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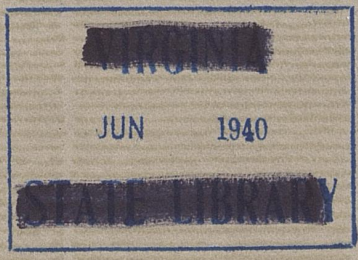
HOWARD B. MYERS, DIRECTOR,
SOCIAL RESEARCH DIVISION

DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF
SOUTH DAKOTA

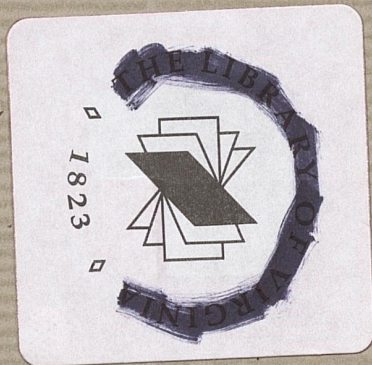
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PREPARED BY ROBERT C. LOWE AND STAFF
LEGAL RESEARCH SECTION

UNDER THE SUPERVISION OF
HENRY B. ARTHUR, ASSISTANT DIRECTOR
DIVISION OF SOCIAL RESEARCH

Preface

This bulletin is one of a series intended to present in abstract form the public welfare provisions of the laws of each of the States.

The purpose of these bulletins is to give a brief review of the provisions for public assistance under the laws of the several jurisdictions, and of the administrative agencies set up by law with reference thereto. A chart showing the organizational relationships of the administrative agencies is included.

The possibility of error in attempting with a limited staff and in a limited time to assemble and digest the formidable mass of material incident to such a study is frankly recognized. The cooperation of those who have occasion to use these digests in reporting any errors of omission or commission noted, or in suggesting improvement in form or content, is invited and will be greatly appreciated.

Meanwhile it is hoped that those interested in considering the reorganization or strengthening of public welfare services in the several States may find the digests of practical value.

June 1940. Va. Div. of Statutory research & drafting. 9

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DIGEST OF PUBLIC WELFARE PROVISIONSGENERAL POOR RELIEF(a) Description of classPoor and indigent persons. 1/(b) Procedure for determining eligibility

Application to Board of County Commissioners, who may first require the applicant to secure the approval of the Township Board or of the governing body of the town or city. 2/ The County Welfare Board may, if so designated by the Board of County Commissioners, act as the agent of such commission in the administration of county poor funds. 3/ If the Commissioners of the County refuse to give a person relief, upon application, the Judge of the Circuit Court of the County may direct the Commissioner to receive the person on the poor list. 4/

(c) Measure of responsibility

Direct relief 5/; poorhouse asylum 6/; or shelter 7/; funeral and burial expenses 8/; burial expense not over \$75 9/; medical attention 10/; hospitalization 11/.

(d) Qualifications imposedLegal settlement. 12/

(1) Married woman follows settlement of husband if he has any within the State, otherwise she keeps her own.

(2) Children follow settlement of father if he has any, otherwise of the mother, illegitimate children follow settlement of mother; no settlement acquired by children in place of birth unless their parent or parents had settlement therein at the time.

-
1. Compiled Laws (1929), Sec. 10037.
 2. Laws (1933), Ch. 159, Sec. 1.
 3. Laws (1935), S.B. 170, Sec. 6.
 4. Compiled Laws (1929), Sec. 10044.
 5. Ibid, Sec. 10041.
 6. Ibid, Sec. 10057.
 7. Ibid, Sec. 10040, Amended by Laws (1933), Ch. 181.
 8. Compiled Laws (1929), Sec. 10052.
 9. Laws (1935), H.B. 17.
 10. Compiled Laws (1929), Sec. 10055.
 11. Ibid, Sec. 10046, Laws (1933 Sp. Sess.), Ch. 12, Sec. 17.
 12. Compiled Laws (1929), Sec. 10038, Amended by Laws (1931), Ch. 251.

GENERAL POOR RELIEF (Cont'd)(d) Qualifications imposed (Cont'd)

Legal settlement.

(3) Males and unmarried females over 21 years of age gain settlement by residence of one year in State and 90 days in the county.

(4) Settlement continues until lost or defeated.

(a) By acquiring new settlement in this State.

(b) By willful absence for 30 days from the State.

(5) Persons coming into State and likely to become public charges may be prevented from acquiring settlement by being warned to depart.

Where applicant is in good health and able bodied, the Township Board or governing board of the town or city, respectively, is authorized to require applicant to perform labor, or other services, before giving approval of any application for assistance. 13/

(e) Incidence of financial responsibility

County, (Obligation mandatory). 14/

(f) Taxes

To build and furnish an asylum, the Board of County Commissioners has power to assess a tax on all taxable property not exceeding \$500 unless so voted. 15/ County property tax. 16/

(g) Administrative agencies

Board of County Commissioners assisted by Township Board or governing body of town or city. 17/ Board of County Commissioners may designate County Welfare Board to act in its place. 18/

(h) Supervisory controls

No provision.

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13. Laws (1933), Ch. 159, Sec. 2.
 14. Compiled Laws (1929), Sec. 10037.
 15. Ibid, Sec. 10056.
 16. Ibid, Sec. 6749.
 17. Laws (1933), Ch. 159, Sec. 1.
 18. Laws (1935), S. B. 170, Sec. 6.

CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES

(a) Description of class

Any mother whose husband is dead or becomes permanently disabled for work or is a prisoner in the State penitentiary, or any woman who has been divorced from her husband in this State for a period of one year or more or has been deserted by her husband for one year or more, when such woman is pregnant or has a child or children under the age of 16 years whom she is unable to support; or any female relative who under like conditions has undertaken to care for orphaned or abandoned children. 1/

(b) Procedure for determining eligibility

A careful preliminary examination of the home must first be made by the County Commissioner or person appointed by the judge of the county court, and a report filed with the court. 2/

The allowance is made by the county court upon the verified petition of the mother or female relative, or of some member of the board of county commissioners or any charitable organization within the county. Upon presentation of such petition the county court must proceed to examine into the facts. 3/

Any citizen of the county may at any time file a motion to vacate or modify an order or judgment granting an allowance, upon which the county court must hear evidence and make a new order sustaining, modifying or vacating the allowance. 4/

In counties having a population of less than 10,000, an appeal may be taken to the circuit court, and in counties having a population of 10,000 or over, an appeal may be taken to the supreme court. Such a motion may be renewed from time to time but no oftener than once in any calendar year. 4/

(c) Measure of responsibility

The order making an allowance is not effective for a longer period than 6 months, but the judge of the county court may, from time to time, extend such allowance. 1/

Allowance not to exceed \$22.50 a month for first child and \$10 a month for each additional child. Allowance of \$22.50 a month for needy expectant mother, and medical, surgical, and hospital services, and supplies. 1/

1. Compiled Laws (1929), Sec. 10023 amended by Laws (1931), Ch. 252.

2. Compiled Laws (1929), Sec. 10024 (6).

3. Ibid, Sec. 10024.

4. Ibid, Sec. 10029.

CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES (Cont'd)(d) Qualifications imposed

Residence by mother or female relative and child or children for one year in State and 6 months in the county before making application. 5/

Child or children must be living with mother. 6/

Allowance only if it enables the mother to remain at home with children. 7/

Mother must be a proper person morally, physically and mentally to bring up children. 8/

It must appear for the benefit of the child to remain with the mother. 9/

(e) Incidence of financial responsibility

County. 5/ (Obligation mandatory)

(f) Taxes

Property tax not to exceed 1/2 a mill. 10/

(g) Administrative agencies

County Court. 11/

(h) Supervisory controls

State Public Welfare Commission has power to receive funds from United States Government for Mothers' Pensions. 12/

-
5. Compiled Laws (1929), Sec. 10023 amended by Laws (1931), Ch. 252.
 6. Compiled Laws (1929), Sec. 10024 (1).
 7. Ibid, Sec. 10024 (2).
 8. Ibid, Sec. 10024 (3).
 9. Ibid, Sec. 10024 (5).
 10. Ibid, Sec. 10030.
 11. Ibid, Sec. 10024.
 12. Laws (1935), S.B. 170, Sec. 4.

DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONAL)

(a) Description of class

Any child who is a county charge or an orphan; any child deserted by both its parents, who has no suitable home or abode; any child of any infirm, indigent or incompetent person; and any child of any person supported in whole or in part by public charity. 1/

(b) Procedure for determining eligibility

Any resident of this State may file with the clerk of courts a verified petition in writing setting forth that a certain child is dependent or neglected. 2/

The court summons the person having custody of such child to appear with the child and answer the petition. 3/

The court on its own motion may order a jury of 6 to try the case. 4/

An appeal may be taken to the Circuit Court from a judgment degree or order of the county court. 5/

(c) Measure of responsibility

Visitation by probation officer; appointment of guardian; placement in family; or institution. 6/

Hospitalization and medical treatment. 7/

1. Compiled Laws (1929), Sec. 9972.

2. Ibid, Sec. 9976.

3. Ibid, Sec. 9980.

In counties having a population of 30,000 or over, the Board of County Commissioners must make arrangements and provision for the care and detention of children pending final disposition of the case and in counties having population of 50,000 or over, the Board may provide a Detention Home. Ibid.

4. Compiled Laws (1929), Sec. 1002.

Upon the trial or hearing of these cases the Court must exclude the general public. The records of all such cases must be withheld from indiscriminate public inspection at the discretion of the court. Ibid, Sec. 9998.

5. Compiled Laws (1929), Sec. 1004.

6. Ibid, Sec. 9981.

7. Ibid, Sec. 9985.

DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONAL)(d) Qualifications imposed 8/

No provision.

(e) Incidence of financial responsibility

Persons legally liable are ordered by the court to support the child if able. 9/

(f) Taxes

No provision.

(g) Administrative agencies

County Court. 10/ (Called the Juvenile Court 11/.)

(h) Supervisory controls

Board of Charities and Corrections supervises and investigates institutions. 12/

State and County Child Welfare Commissions accept guardianship of child. 13/

State and County Public Welfare Commissions have power to receive and disburse Federal funds. 14/

8. No adjudication under the provision of this Act shall operate as a disqualification of any child for any public office, and no child shall be denominated as a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction. Compiled Laws (1929), Sec. 9998.

9. Compiled Laws (1929), Sec. 9996.

10. Ibid, Sec. 9973.

11. Ibid, Sec. 9974.

12. Ibid, Sec. 9990.

13. Laws (1931), Ch. 92, Sec. 2.

14. Laws (1935), S. B. 170, Sec. 4, 6.

OLD AGE ASSISTANCE

The only legislation regarding Old Age Assistance is that the State Public Welfare Commission has authority to receive, hold, and preserve any funds which may be made available to the State by existing laws or laws to be enacted by the Congress of the United States providing for Old Age Pensions, and pursuant to such authority as may be given it by such Act, to make such regulations not inconsistent with the laws of the United States and the laws to be enacted in this State as may be necessary for the administration of Old Age Pensions. 1/

1. Senate Bill 170, Sec. 4 (1935)

SOLDIERS' AND SAILORS' RELIEF(a) Description of classSoldiers' Home:

Any veteran of the Civil War, Mexican War, Spanish-American War, Indian Wars, Philippine Insurrection or the World War who has an honorable discharge, his wife or widow. 1/

Burial:

Any honorably discharged United States soldier, sailor, marine, or aviator, of the Civil War, Spanish-American War, Philippine Insurrection, or World War, or any person who being a citizen of the United States served in any Allied Army in the World War, or any wife or widow of same. 2/

Relief:

Veterans of Civil War, their wives or widows. 3/

(b) Procedure for determining eligibilitySoldiers' Home:

Applications in writing shall be presented to the county judge. The county judge must make a full and complete investigation. 4/ If the county judge finds applicant eligible he must certify the application and forward it to the Superintendent of the Home, and if application is proper in form and properly certified, the Superintendent must admit the applicant. 5/

Burial:

Upon notice to the county judge of the death of any such soldier, sailor, marine, or aviator within the county, it is the duty of the judge to appoint a suitable person to take care of proper burial. 6/

-
1. Compiled Laws (1929), Sec. 9955.
 2. Ibid, Sec. 9963, Amended by Laws (1931), Ch. 226.
 3. Laws (1935), H. B. 198.
 4. Compiled Laws (1929), Sec. 9956.
 5. Ibid, Sec. 9957.
 6. Ibid, Sec. 9965.

SOLDIERS' AND SAILORS RELIEF (Cont'd)

(c) Measure of responsibility

Admission to Soldiers' Home. 7/

Funeral and burial expenses not to exceed \$100. 8/

Direct relief. 9/

(d) Qualifications imposed

Soldiers' Home: 7/

(1) Veterans:

Residence in State for period of 3 years next preceding application.

Incapacitated from earning livelihood.

Income not in excess of \$900 per annum.

(2) Wife:

60 years of age.

Married to veteran not less than 5 years.

(3) Widow:

60 years of age.

Residence in State for 3 years next preceding application.

Not sufficient income to support herself.

Burial:

Estate not sufficient and relatives or friends are unable to defray the charges. 7/

Must die within county or have legal residence therein. 10/

-
7. Compiled Laws (1929), Sec. 9955.
8. Ibid, Sec. 9963, Amended by Laws (1931), Ch. 226.
9. Laws (1935), H. B. 198.
10. Compiled Laws (1929), Sec. 9963 A.

SOLDIERS' AND SAILORS' RELIEF (cont'd)

(e) Incidence of financial responsibility

Soldiers:

State general fund. 11/

Burial:

State general fund. 12/

County may appropriate the money 13/, but the State reimburses the county. 14/

Direct relief:

State general fund. 15/

(f) Taxes

No provision.

(g) Administrative agencies

Superintendent of Soldiers' Home; county judge committing. 16/

Board of County Commissioners 17/, and county judge 18/, handle the burial aid.

Soldiers' Home Board administers the direct relief to Civil War veterans, their wives or widows. 15/

(h) Supervisory controls

No provision, except that the Soldiers' Home Board supervises the Home. 19/

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11. Laws (1935), S. B. 192, Sec. 23, 43.
 12. Ibid, S. B. 193, Sec. 1.
 13. Compiled Laws (1929), Sec. 9965 A; 9964 A, B, C; 9965.
 14. Ibid, Sec. 9966.
 15. Laws (1935), H. B. 198.
 16. Compiled Laws (1929), Sec. 9957.
 17. Ibid, Sec. 9964 C.
 18. Ibid, Sec. 9965.
 19. Ibid, Sec. 9948.

ABSTRACT OF ADMINISTRATIVE PROVISIONS

STATE PUBLIC WELFARE COMMISSION

(Statutory Body)

1. General Powers and Duties

(a) State Public Welfare Commission:

(1) To replace the State Relief Committee heretofore set up for the administration of emergency relief, and to receive from the appropriate agencies of the government of the United States funds allotted South Dakota for general relief purposes and shall through the office of the State Welfare Commissioner administer the allocation and distribution of such funds and make regulations not inconsistent with the regulations of the United States Government. 1/

(2) To receive from the appropriate agency of the United States Government any funds allocated for mothers' pensions, for the protection, care, education, and hospitalization of neglected, delinquent, dependent and physically handicapped children. 2/

(3) To receive any funds which may be made available to the State of South Dakota by existing law or laws hereafter to be passed by the Congress of the United States providing for old age pensions, and when authorized by an act of the Legislature to proceed with the administration of a system of old age pensions in South Dakota. 3/

(4) To receive funds which may be made available to the State by existing law or laws hereafter to be passed by the Congress of the United States providing for unemployment insurance, and when authorized by an act of the Legislature to proceed with the administration of the system of unemployment insurance in South Dakota. 4/

(5) To receive from the State Treasurer any funds specifically appropriated for the purposes of this act. 5/

(6) To set up in the several counties of the State, under such regulations as the Board may prescribe, child welfare services which shall be in charge of the County Welfare Board. 6/

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1. Laws (1935), S. B. 170, Sec. 4-a.
 2. Ibid, Sec. 4-b.
 3. Ibid, Sec. 4-c.
 4. Ibid, Sec. 4-d.
 5. Ibid, Sec. 4-e.
 6. Ibid, Sec. 7.

1. General Powers and Duties (Cont'd)(b) Public Welfare Commissioner: 7/

(1) The Commissioner is responsible for the establishment and maintenance of such subdivisions of his department as may be necessary for its orderly and efficient administration.

(2) He is authorized to discontinue any activities when directed so to do by the State Welfare Commission.

(3) He must see to it that an accurate account is kept of every fund within the custody of the department, and that the proceedings of the disbursing officers are regularly and accurately audited.

(4) He has the authority when the commission is not in session, to issue new regulations whenever necessary.

(c) Secretary:

(1) The Secretary must keep a permanent record of the proceedings of the commission to constitute a public record of the State. 8/

2. Composition and Appointment of Governing Body

The Commission consists of 9 members appointed by the Governor for 6-year rotating terms. They receive their actual expenses while attending meetings and such other compensation for each day actually required for the discharge of their duties at a fixed rate per day as prescribed by the Governor. 9/

A Secretary is appointed by the Commission, which also has the power to appoint treasurers and custodians of the several special funds which may from time to time come into its hands for administration. 10/

3. Reports

The State Public Welfare Commission must annually submit and publish a full and complete report of the department to the Governor. 11/

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7. Laws (1935), S. B. 170, Sec. 5.
 8. Ibid, Sec. 4 (g).
 9. Ibid, Sec. 3 (a).
 10. Ibid, Sec. 4 (g).
 11. Ibid, Sec. 10.

4. Executive

The State Welfare Commissioner is appointed by the Governor and is the executive head of the State Department of Public Welfare. 12/

The Commissioner shall receive such salary as may be fixed and determined by the State Public Welfare Commission. 13/

5. Staff

The Commissioner of Public Welfare has the authority to appoint such necessary clerks, auditors, field representatives and county representatives as may be required for the administration of the activities of the department. 13/

With the approval of the State Welfare Commission, the Commissioner of Public Welfare appoints such subordinate officials as may be necessary to administer and discharge the duties of his office adequately and fixes their compensation. 12/

6. Financial Provisions

Compensation and/or expense of any and all persons authorized to be employed by the provisions of this act are payable from any funds which may lawfully be received by the State Department of Public Welfare. 14/

An amount not to exceed \$300,000 per year is appropriated for the relief of the poor from the receipts of a privilege tax on the operation of stores, to be effective until June 30, 1937. 15/

The receipts from liquor taxes and 96 $\frac{1}{2}$ % of the gross receipts from beer and wine revenue is appropriated for relief of poor. 16/

12. Laws (1935), S. B. 170, Sec. 3 b.

13. Ibid, Sec. 5.

14. Ibid, Sec. 8.

15. Ibid, S. B. 154.

16. Ibid, S. B. 168, H. B. 66.

STATE BOARD OF CHARITIES AND CORRECTIONS

(Constitutional Body)

1 General Powers and Duties

(a) The charitable and penal institutions of the State are under the charge and control of the State Board of Charities and Corrections. These institutions are the State Penitentiary, Yankton State Hospital, Watertown State Hospital, State School for the Deaf, State School for the Blind, State Training School, State School and Home for the Feeble-minded and the State Sanitorium, for Tuberculosis. 1/

(b) The members of the Board have full power at all times to inquire into and examine the condition of the several institutions; to inquire and examine into their methods of instruction and government and management of their inmates, the official conduct of all officers and employees of the same, the condition of the buildings, grounds and other property, and into all other matters pertaining to their usefulness and good management. For all these purposes they have free access to the grounds, buildings and all books and papers relating to such institutions, and all persons now or hereafter connected with the same are directed and required to give information and afford such facilities for inspection as such members may require, and any neglect or refusal on the part of any officer, employee, or person connected with such institutions to comply with the requirements of this section is sufficient cause for his removal. 2/

(c) The Board must prescribe the management of such institutions, and a manner of keeping the accounts thereof which will render property belonging to the State readily ascertainable at any time; and it must provide a method of identification of all property belonging to the State in any of such institutions. 2/

(d) The Board has the power to make contracts for service, the erection of buildings, the purchase of lands, materials, and supplies, except such supplies as are under the supervision of the Commissioner of Public Printing; and, in carrying out these contracts it has the power to expend money, exact and collect penalties, and to purchase and sell property within the limitations of the State and National Laws. 3/

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1. Constitution, Art. 14, Sec. 1, 2 and Compiled Laws Ann. (1929), Sec. 5371.
 2. Compiled Laws Ann. (1929), Sec. 5375.
 3. Ibid, Sec. 5375-A.

Provided, that all contracts for the erection and repair of buildings and the purchase of ordinary supplies exceeding in value \$500, except coal, must be by publicly advertised bids and public letting, and provided, further, that no member of the Board can be directly or indirectly pecuniarily interested in such contract. Ibid.

1. General Powers and Duties (Cont'd)

(e) The Board may bring suit in the proper court in its own name, to enforce any contract made by it; and any suit relating to such property, or to the care, custody, control, management or improvement thereof; and it is the duty of the Attorney General to prosecute such suit upon the request of the Board. 4/

(f) The Board has all powers necessary for the proper legal management of the penal institutions placed under its control and the property belonging to the same. 4/

(g) The Board has the power to condemn private property for public use. 5/

(h) The Board, or some member thereof, must attend a session of the legislature whenever any committee of either branch requires such attendance. 6/

(i) The Board at any time may prescribe rules and regulations for the discipline and order of any institutions under its care and management; and all the officers and employees of these institutions must comply fully with all directions and rules or regulations of the Board. 7/

(j) The Board has the following powers and duties which were formerly those of the Women's Committee of Investigation:

(1) To investigate the Yankton State Hospital, the State School for the Deaf, the State Penitentiary, the State Training School, State Sanatorium, State School and Home for Feeble-minded, the Soldiers' Home, the State School for the Blind and such other institutions as are or may be provided by law. 8/

(2) To call upon the officers in charge of such institutions to impart whatever information may be required by such committee. 8/

(3) It must attend, once in each year, at the expense of the State, the annual conference of the National Association of Charities and Corrections, or, in lieu thereof, the National Conference or convention of some National Association organized for the purpose of improving conditions at institutions of the character described in this section. 8/

4. Compiled Laws Ann. (1929), Sec. 5375-A.

5. Ibid, Sec. 5377.

6. Ibid, Sec. 5393.

7. Ibid, Sec. 5394.

8. Ibid, Sec. 10031, and 5374-3.

1. General Powers and Duties (Cont'd)

(4) To visit and inspect at least once a year, each private hospital, reformatory home, house of detention, convent, asylum and every other denominational seminary, dormitory, college, orphan home and boarding school within this State, which holds itself out to the public or any part thereof, for the instruction, reformation, mental or physical treatment of children or adults; to examine into the sanitary conditions of such institutions and the treatment given the inmates thereof; to hear and receive all complaints from such inmates therein regarding their health and treatment. 9/

(5) To call upon the Superintendent of the County Board of Health of any county in which any institution is located for advice and assistance in making inspection and examination, and it is the duty of such Superintendent to advise and assist such Committee when so requested. 10/

(k) It is the duty of the Board, at least once in each month or more often if necessary, to visit all State institutions under its control and ascertain whether the money appropriated for their aid and maintenance has been and is being economically and judiciously expended, for the purposes for which it was appropriated. It must approve the vouchers and see that they are all carefully examined before being presented to the State Auditor for payment. 11/

(l) The Board must ascertain whether the objects of the several institutions are being accomplished; whether the laws in relation to them are fully complied with; whether all parts of the State are equally benefited by them; whether the officers and employees are competent and faithful; and whether the conduct and management thereof are in all respects lawful and efficient. 11/

(m) The Board is authorized to prescribe rules and regulations covering the duty of the parole officer, not in conflict with the laws of the State, and for his direction and control. 12/

(n) The Board is authorized to provide for the care of a child, who is either partially or totally blind, and whose parent or guardian is indigent or unable to provide proper care, in any institution suitably equipped for the care of such child, and until the child has reached the age of 6 years. The expense for such care is a charge against the County in which the parent or guardian thereof resides. 13/

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9. Compiled Laws Ann. (1929), Sec. 10033.
10. Ibid, Sec. 10034.
11. Ibid, Sec. 5385.
12. Ibid, Sec. 5409.
13. Ibid, Sec. 2 and 5503.

2. Composition and Appointment of Governing Body

The Board consists of 3 members appointed by the Governor, by and with the consent of the Senate. The salary of each member is \$1,500 per annum, and necessary expenses while performing the duties of his office. The term of office of each member is 6 years or until his successor is appointed, and the term of one member of the Board expires every 2 years. Any vacancies must be filled by the Governor, and the appointees hold office until the next session of the Legislature succeeding their appointment, at that time their term of office ceases, and appointments must be made for the unexpired term. 14/

3. Reports

The Board must report to the Governor on the first day of July, or as soon thereafter as possible, and not later than the first day of November, in each year preceding the biennial session of the Legislature. This report must cover the biennial period ending the 30th day of the preceding June, and must contain, in condensed form, complete information with regard to the transactions of the Board and the institutions under its jurisdiction. 15/

4. Executive

Not specifically provided for by law but the 1935 appropriation act makes an allowance for a secretary. 16/

5. Staff

No provision.

6. Financial Provisions

The Board of Charities and Corrections is financed by appropriations from the General Fund of the State. 17/

Amount of Appropriations:

The sum of \$2,009,800 is appropriated to the Board, and the institutions under its control for the period from July 1, 1935 to June 30, 1937. 16/

14. Compiled Laws Ann. (1929), Sec. 5371, 5372, 5374.

While attending a National Conference or convention the members of the Board are entitled to their traveling and other necessary expenses. Ibid, Sec. 10031 (3).

15. Compiled Laws Ann. (1929), Sec. 5387.

16. Laws, (1935), Ch. 17, Sec. 1.

17. Ibid, Sec. 21.

6. Financial Provisions (Cont'd)

Limitation of Funds:

Board of Charities and Corrections

Salaries of members\$ 7,200	
Expense, members and secretary	3,200	
	<u>\$10,400</u>	18/

State Parole Officer 18/

Salary and expenses\$ 4,000	18/
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State Penitentiary

Salaries\$77,500	
Maintenance	210,000	
Improvements	14,000	
	<u>\$301,500</u>	19/

Yankton State Hospital

Salaries and wages\$288,000	
Maintenance	480,000	
General repairs	30,000	
	<u>\$798,000</u>	20/

18. Laws (1935), Ch. 17, Sec. 21.

19. Ibid, Sec. 38.

This special fund in the State Treasury known as the Twine Plant Revolving Fund, must be maintained as heretofore, for the purpose of conducting the business of the hard fibre twine, and cordage plant at the State Penitentiary. Compiled Laws Ann. (1929), Sec. 5378.

If the amount of such fund exceeds the sum of \$600,000, it is the duty of the State Treasurer to transfer from such fund to the general fund of the State an amount equivalent to the excess over said sum. Ibid, Sec. 5380.

20. Laws (1935), Ch. 17, Sec. 37.

The expenses for the care, board, and keep of patients in a hospital are a charge upon each county sending such patient or patients. Compiled Laws Ann. (1929), Sec. 5476.

The amount incurred by any county for treatment and maintenance of any insane person is a charge against the property and estate of such insane person both during the lifetime and after the death of such person; and against any person legally bound for the support of such insane person with exceptions as provided by statute. Ibid, Sec. 5484, 5491 as amended by Laws (1935), Ch. 169.

6. Financial Provisions (Cont'd)

Limitation of Funds: (Cont'd)

State School for the Blind

Salaries	\$ 25,600
Maintenance	29,000
Improvements and repairs	2,000
Library	1,000
	<u>\$ 57,600 21/</u>

An appropriation of \$3,000 is made for the construction of a tunnel. 22/

State Training School

Salaries	\$ 34,400
Maintenance	54,000
Improvements and repairs	8,000
Library	1,000
	<u>\$ 97,400 23/</u>

21. Compiled Laws Ann. (1929), Sec. 5503.

The person sending a pupil to the school must pay the Superintendent for the return ticket of the pupil and also deposit \$10 for clothing and incidentals, and, on demand of the Superintendent pay further sums not exceeding \$25 per year. In case the parent, guardian, or custodian of such pupil is unable to pay, the Board of County Commissioners of the County in which he resides, must make such payment upon requisition, by the Superintendent of the School for the Blind, approved by the Board of Charities and Corrections.

22. Laws (1935), Ch. 35.

23. Ibid, Ch. 17, Sec. 42.

It is the duty of the person sending any child to the school to pay the Superintendent for the return ticket for the child, and to deposit with him \$10 for clothing and incidental expenses. In case the parents of such child are unable to make such payments, the Board of County Commissioners must do so upon the requisition of the Superintendent of the School, approved by the Board of Charities and Corrections. Compiled Laws Ann. (1929), Sec. 5499.

14. (1929), Sec. 5371.

while attending a National Conference of the boys of the Board are entitled to necessary expenses. Ibid, Sec. 1903.

15. Compiled Laws Ann. (1929), Sec. 5499.

16. Laws (1935), Ch. 17, Sec. 42.

17. Ibid, Sec. 42.

6. Financial Provisions (Cont'd)

Limitation of Funds: (Cont'd)

State School for the Deaf

Salaries	\$49,000	
Maintenance	33,000	
General repair and upkeep	1,500	
Library	400	
	<u>\$83,900</u>	<u>24/</u>

State School and Home for the Feeble-minded

Salaries	\$112,000	
Maintenance	220,000	
Improvements and repairs	13,000	
	<u>\$345,000</u>	<u>25/</u>

State Tuberculosis Sanitorium

Salaries	\$112,000	
Maintenance	194,000	
Improvements and repairs	6,000	
	<u>\$312,000</u>	<u>26/</u>

All amounts herein appropriated must be used for the specific purpose herein mentioned and no other. 27/

24. Laws (1935), Ch. 17, Sec. 40.

25. Ibid, Sec. 41.

All funds collected by the County Treasury must be transmitted to the State Treasurer to be credited to the maintenance fund of the institution. Due credit for this amount is given in making appropriations for the maintenance of the institution. Ibid.

Parents, guardians, or those having legal control, sending any person or persons for care, education, and custody in such institution, must pay the expense of transportation to and from their homes and pay in advance \$30 annually for clothes and incidentals. They must also pay \$10 a month in quarterly installments. If the amount of the charge is not paid, it must be charged against the personal property of such parent, guardian, or person having legal control, and collected as other personal property taxes are collected. If there is no responsible person financially able to pay the amount provided, person must be admitted without charge. Compiled Laws (1929), Sec. 5534.

26. Laws (1935), Ch. 17, Sec. 36.

The cost of treatment must be met primarily, by the State, by appropriations made therefor; provided, that such cost is a charge upon each county at the rate of \$15 per week per patient; provided, further, that the cost of each patient be a charge upon each patient in favor of the county sending him or her to the sanitorium so far as he or she or the persons legally liable for his or her support are able to pay the same. (Footnote forwarded)

The following provisions, powers and duties are specifically applicable to the institutions indicated:

WARDEN OF STATE PENITENTIARY

(Constitutional Body)

1. General Powers and Duties

(a) Board of Charities and Corrections:

(1) The Board of Charities and Corrections directs and governs the State Penitentiary. 28/

(2) The Board is authorized and empowered to establish, build and construct at the State Penitentiary, a hard fibre twine and cordage plant. 29/

(3) It is the duty of the Board, at the close of each calendar year, to file with the State Treasurer an inventory of all raw material or finished product or by-product, on hand in the twine and cordage plant of the State Penitentiary, which inventory must show the cost price of each item therein, and when the cost cannot be ascertained, the estimated value thereof. At the same time, the Board must file with the State Treasurer an itemized statement of all expenditures from the Twine Plant Revolving Fund. 30/

(Footnote # 26 Continued)

Provided the Statute of Limitations cannot begin to run against such account until the final discharge of such patient from the sanitorium, but nothing herein contained prevents the enforcement of collection prior to that time. Compiled Laws Ann. (1929), Sec. 5547 as amended by Laws (1931), Ch. 246.

27. Laws (1935), Ch. 17, Sec. 45.

In case the members of such Board permit or allow money which is appropriated for one purpose to be used for another purpose, in connection with any institution, the members of such Board are liable, personally and upon their official bonds, for the return to the State of all money so misappropriated, and upon the request of the Governor of the State, it is the duty of the Attorney General to bring action against the members of such Board and their bondsmen for the recovery of the money so misappropriated.

Compiled Laws Ann. (1929), Sec. 5392.

28. Compiled Laws Ann. (1929), Sec. 5420.

29. Laws (1905), Ch. 192, Sec. 1.

30. Compiled Laws Ann. (1929), Sec. 5380.

1. General Powers and Duties (Cont'd)(a) Board of Charities and Corrections: (Cont'd)

(4) It is the duty of the Governor, State Auditor, State Board of Charities and Corrections, and the Warden of the Penitentiary, not later than the 1st day of March, each year to fix the price at which binding twine manufactured at the State Twine and Cordage Plant is sold. 250,000 pounds of binding twine must be reserved each year for sale to farmers or actual consumers who are residents of the State. If any twine remains unsold after the 15th day of June in any year, the Warden and Board may sell the same unconditionally. 31/

(5) The Board is authorized and empowered to purchase and install at the State Penitentiary all necessary machinery, equipment, and material for the purpose of manufacturing motor vehicle and motorcycle license plates, highway signs and other markers. 32/

(6) The Board and/or the Warden are authorized and directed to furnish labor of inmates of the State Penitentiary for the purpose of assisting in the maintenance and upkeep of drainage ditch numbers 1 and 2, which ditch furnishes drainage for property owned by the State of South Dakota, in connection with the property of the State Penitentiary. 33/

(7) The Board and/or the Warden must cooperate and work in conjunction with the Board of County Commissioners of Minnehaha County in use of prison labor. 34/

31. Compiled Laws Ann. (1929), Sec. 5381, 5382.

Any surplus over 250,000 pounds of binding twine may be disposed of by the Warden and Board in bulk and the Warden must require an agreement from one buying such surplus that he will resell only to actual consumers, and for cash, at a price as specified by statute, and that the buyer will permit the inspection of his books by any agent of the State. Ibid.

The Board and the Warden are authorized and empowered to adjust claims for shortages in twine or damaged twine sold from the State Twine Plant. Ibid, Sec. 5383-A.

32. Compiled Laws Ann. (1929), Sec. 5384-A.

These licenses and markers may be furnished to the State at prices to be agreed on between the requisitioning State Department and the Board. If agreement cannot be reached, the difference must be submitted to the State Board of Finance, and the said Board must determine the contract price. Ibid, Sec. 5384-F.

33. Compiled Laws Ann. (1929), Sec. 5418-A.

34. Ibid, Sec. 5418-B.

1. General Powers and Duties (Cont'd)

(a) Board of Charities and Corrections: (Cont'd)

(8) Upon receipt of recommendation by the Warden, it is the duty of the Board to examine all the records, as to the life of the convict, and, if satisfied that such convict merits a parole, the Board must join the Warden in a recommendation to the Governor to grant a parole or temporary release. 35/

(9) The Board of Charities and Corrections and the Warden are authorized and directed to place to the credit of any convict such an amount of his earnings as the Board and the Warden deem best, taking into account the character of the convict, the nature of the crime for which he was imprisoned, and his general deportment. The funds thus accruing to the credit of any convict must be paid to his dependent family, or to him, at such times and in such manner as the Warden may deem best. 36/

(10) The Board may, by way of punishment for violation of the rules, want of propriety, or misconduct, withhold such portion of the earnings as would otherwise be paid to the convict personally, and pay the same to dependent members of his family if any. 36/

(b) The Warden:

(1) The Warden, under the supervision of the Board of Charities and Corrections, has charge and custody of the State Penitentiary, with all lands, buildings, furniture, tools, implements, stock, and provisions, and every other species of property pertaining thereto or within the precincts thereof, and must superintend the police of the penitentiary and discipline the convicts. 37/

35. Compiled Laws Ann. (1929), Sec. 5397.

36. Ibid, Sec. 5417.

Whenever any convict, by continued good behavior, diligence in labor, study, or otherwise, surpassed the general average of convicts, he may be compensated therefor, in the discretion of the Governor, upon the recommendation in writing of the Board of Charities and Corrections, either by diminishing the period of his confinement or by payment in money, or both, except that no period of confinement may be diminished in any case where sentence is imprisonment for life or for a longer term than 2-years without the recommendation of the Board of Pardons. Ibid, Sec. 5464.

37. Compiled Laws Ann. (1929), Sec. 5430.

All contracts made on the part of the State by the Warden, on account of the State Penitentiary, must be in writing and approved by the Board before taking effect, unless the wants and necessities of the Penitentiary compel the Warden to purchase supplies of any kind immediately, in which case he may purchase the same upon verbal agreement. Ibid, Sec. 5437.

1. General Powers and Duties (Cont'd)(b) The Warden: (Cont'd)

(2) The Warden is the treasurer of the Penitentiary, and as such, he must receive and pay out all moneys granted by the Legislature for the support of the Penitentiary and such as may accrue from the sale of personal property, the business of manufacturing under contract, or any other source. 38/

(3) The Warden has charge and custody of all convicts in the State Penitentiary, and must govern and employ them in the manner prescribed by law and the rules and regulations of the Penitentiary. 39/

(4) Under the direction of the Warden, all means must be used to maintain order in the Penitentiary, enforce obedience, suppress insurrections and effectually prevent escapes, even at the hazard of life, for which purpose he may at all times command the aid of the officers of the institution and of the citizens outside the Penitentiary. 40/

(5) Upon the death of any convict, who has not been paroled, the Warden must cause the body to be delivered to the relatives and friends of such convict, if demanded within 24 hours. If not so demanded, he must give notice to the Dean of the Department of Medicine of the University of South Dakota, specifying in the notice the probable cause of death; and upon the requisition of the Dean of such Department, he must forward the body to the University at its expense. 41/

38. Compiled Laws Ann. (1929), Sec. 5430.

All contracts made on the part of the State by the Warden, on account of the State Penitentiary, must be in writing and approved by the Board before taking effect, unless the wants and necessities of the Penitentiary compel the Warden to purchase supplies of any kind immediately, in which case he may purchase the same upon verbal agreement. Ibid, Sec. 5437.

39. Compiled Laws Ann. (1929), Sec. 5443.

40. Ibid, Sec. 5449.

Any citizen refusing to obey such command is liable to such fines, penalties and forfeitures as apply to persons refusing to obey a sheriff, or other officer calling upon the aid of the county to assist in serving process or quelling insurrection. Ibid.

41. Compiled Laws Ann. (1929), Sec. 5453.

1. General Powers and Duties (Cont'd)

(b) The Warden: (Cont'd)

(6) If the Warden at any time deems it for the interest of the State, he may employ the convicts outside the Penitentiary yard in quarrying or getting stone from and cultivating the Penitentiary farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution. Provided, that, upon the written recommendation of the Board of Charities and Corrections, endorsed by the Warden, the Governor may make an order in writing authorizing the employment, upon any work in which the State of South Dakota is engaged, or has an interest, at any place within the State, of one or more designated convicts whose record and conduct, in the opinion of the Warden and of the Board, warrant the belief that they can with safety be employed thus. 42/

(7) The Warden has supervision and control of any prisoner who may be employed as provided in this Act. 43/

(8) All process to be served within the precincts of the State Penitentiary, either upon convicts or persons or officers employed within the precincts thereof, except upon the Warden, must be served and returned by the Warden. 44/

(9) The Warden must keep or cause to be kept a correct record of all the transactions of his office and a correct account of all his doings. 45/

(10) When any convict is received into the Penitentiary, the Warden must cause to be entered in the register kept for the purpose, a complete record of his past history, and must cause a careful examination and record to be made of each convict, according to the Bertillion system. Subsequent facts with regard to each convict must be entered from time to time; and the Warden must furnish the Governor with a copy of the records, upon request, and with all other facts which may have come to his knowledge concerning any convict whose parole or final release the Governor may be considering. 46/

42. Compiled Laws Ann. (1929), Sec. 5454.

43. Ibid, Sec. 5418-C.

44. Ibid, Sec. 5423.

45. Ibid, Sec. 5431.

46. Ibid, Sec. 5396.

Whenever any person is convicted of a felony, it is the duty of the judge before whom such person is convicted, and also of the State's Attorney of the county in which he or she is convicted, to furnish the Warden of the Penitentiary with an official statement of the facts and circumstances constituting the crime whereof the convict has been convicted, with all information accessible to them in regard to the career of the convict, prior to the commission of the crime of which he or she is convicted, relating to the habits, associates, disposition and reputation of such convict, and any other facts or circumstances which may tend to throw light upon the question whether he or she is capable of becoming a law abiding citizen. Ibid, 5395.

1. General Powers and Duties (Cont'd)(b) The Warden: (Cont'd)

(11) The Warden, at all times, has legal custody of all convicts temporarily released on parole. 47/

(12) The Warden must keep records, files or copies of the inquiries addressed to the paroled convict, the answers received, reports furnished by the convict or sheriff, the location of such convict and any other facts he may ascertain. 48/

(13) The Warden may adopt such measures as he deems proper, with the approval of the Board, to aid in detecting and capturing escaped convicts. 49/

(c) The Governor:

(1) Upon recommendation of the Warden and Board of Charities and Corrections, and when he is satisfied that any convict has been confined in the Penitentiary for a sufficient length of time to accomplish his reformation, and that such convict may be paroled without danger to society, and is satisfied that permanent and suitable employment has been secured for him, the Governor may parole the convict, in the following cases:

(a) A first offender, who at the time of his conviction was under 25 years of age, is eligible after serving one-fourth of his sentence, allowing time earned for good behavior. If over 25 years of age, he is eligible after serving one-third of his sentence;

(b) A second offender is eligible after serving one-half of his term;

47. Compiled Laws Ann. (1929), Sec. 5400.

48. Ibid, Sec. 5402.

Any convict conditionally released must, on the first day of each month or oftener, if required by the Warden, communicate with the Warden by mail, giving a statement of his occupation, location, and condition, the name of his employer and such other facts as the Warden in his discretion may require. The Warden may require the sheriff of the county within which such convict is staying to verify any of the reports of such convict, and it is the duty of the sheriff to furnish information requested by the Warden. It is the duty of the sheriff to keep secret the fact that such person is a paroled convict, so long as he obeys the condition of his parole. Ibid, Sec. 5401.

49. Compiled Laws Ann. (1929), Sec. 5458.

1. General Powers and Duties (Cont'd)

(c) The Governor: (Cont'd)

(c) A person who has been convicted more than twice, is eligible for parole after he has served three-fourths of his sentence; and

(d) A convict upon whom has been imposed an indeterminate sentence is eligible for parole after he has served the minimum of such sentence. 50/

(2) The Governor, in issuing his order of parole and conditional release, may, in his discretion, fix the time of such parole, or may parole and conditionally release the convict until further order, and whenever the Governor is satisfied that the reformation of the convict is probable, and that he may be intrusted with his liberty without danger to society, the Governor has the power to cause to be made and entered a full pardon, provided no pardon may be granted where the sentence is imprisonment for life or for longer than 2 years, without application to and recommendation by the Board of Pardons. 51/

2. Composition and Appointment of Governing Body

The Warden of the Penitentiary is appointed and his salary, which must not exceed \$3,000 per annum, (\$1,000 of which is paid out of the Twine Plant Fund) is fixed by the Board of Charities and Corrections. He holds office for 2 years but may be removed by the Board at its discretion; and he must reside within the Penitentiary grounds. 52/

3. Reports

On the 1st day of July, or as soon thereafter as possible and not later than the 1st day of September, in each year, the Warden must make a detailed report to the Board, under oath, which must contain a full and accurate statement of all concerns of the prison for the year ended on the last day of the preceding June; and also a list of convicts who have been received, discharged, pardoned, or who have died during the year, and an estimate of expenses for the ensuing year. 53/

50. Compiled Laws Ann. (1929), Sec. 5398, as amended by Laws (1931), Ch. 102.

51. Compiled Laws Ann. (1929), Sec. 5404.

52. Ibid, Sec. 5426, 5428, 5435. Neither the Warden nor any officer appointed by him or holding any office in the Penitentiary, including the Board, may directly or indirectly have any pecuniary interest or concern in any contract, either verbal or written, which may be entered into by the Warden on the part of the State. Ibid, Sec. 5435.

53. Compiled Laws Ann. (1929), Sec. 5436. Every convict, when discharged, must be provided with a suitable suit of clothes, a sum of money not to exceed \$5 and transportation to the place where he received sentence. He may also be allowed employment at the Penitentiary, under the rules and regulations established for the government of the convicts, for such period of time and at such rate of compensation as the Warden deems proper and suitable. Ibid, Sec. 5452.

3. Reports (Cont'd)

The Warden must render to the Board, on the 1st day of each month, a full and accurate statement of all moneys received and expended by him during the preceding month, showing on what account received and expended, and must accompany such report with proper vouchers for all such expenditures, which report must be verified by the oath of the Warden. 54/

Also see "State Board of Charities and Corrections", page 3915. (2)

4. Executive

See "Warden" under "Composition and Appointment of Governing Body".

5. Staff

One deputy warden, one gatekeeper, one turnkey, and such other employees as may be necessary are appointed by the Warden, with the approval of the Board; and hold office during the pleasure of the Warden. Their salaries are fixed by the Board. 55/

6. Financial Provisions

See "Board of Charities and Corrections".

54. Compiled Laws Ann. (1929), Sec. 5430.

55. Ibid, Sec. 5424, 5427, 5428.

All officers and persons employed in and about the State Penitentiary must perform such duties as are required of them by the Warden, in conformity to law and the rules and regulations of the Penitentiary; and no officer or person may be engaged directly or indirectly in procuring a pardon of any convict confined therein, and any person violating these provisions is subject to immediate removal. Ibid, Sec. 5444.

SUPERINTENDENT OF STATE TRAINING SCHOOL

(Constitutional Body) 56/

1. General Powers and Duties

(a) State Board of Charities and Corrections:

(1) The Board has charge of the general interest of the institution, and has power to enact by-laws and rules for its regulation, not inconsistent with the laws of this State, and to see that its affairs are conducted in accordance with the requirements of law, and that strict discipline is maintained therein. It has power to provide employment and instruction for the inmates, and must supervise the erection of all buildings authorized to be built for such school. 57/

56. Constitution, Art. 14, Sec. 1.

In 1921 legislation was passed stating that the reformatory institution maintained by the State, known and designated as the "State Training School" was to continue to exist as an institution for the reformation of boys under the age of 18 years; and provision was made for a separate institution for the reformation of girls under the age of 18 years, which was to be known as the "State Industrial School for Girls", and which was to be governed by the provisions that applied to the State Training School. Compiled Laws Ann. (1929), Sec. 5509.

Apparently the Industrial School for Girls was never established as there has been no appropriation made for such an institution, and the South Dakota Manual (1933), indicates that girls are kept at the State Training School in separate buildings.

Commitments: The Judge of the County Court may commit any child who is habitually vagrant, disorderly or incorrigible to the institution, upon complaint of the parent or guardian of such child, provided that security is given for the payment of the expense of such complaint if such payment is required by the committing judge. Ibid, Sec. 5518.

Any child under 18 years, found guilty of any crime except murder may be committed to the State Training School, by the County Judge, if the Court deems it proper. Ibid, Sec. 5519

When a boy or girl under the age of 18 is convicted before a Justice of the Peace, or other inferior court, of any crime, or of being a disorderly person, it is lawful for the magistrate before whom he or she may be convicted to send such boy or girl, together with all papers, to a Judge of the County Court or Court of Record, who must then issue an order to the parent or guardian of such boy or girl, requiring him or her to appear to show cause why such boy or girl should not be committed to the State Training School. Ibid, Sec. 5520.

57. Compiled Laws Ann. (1929), Sec. 5510.

1. General Powers and Duties (Cont'd)(a) State Board of Charities and Corrections: (Cont'd)

(2) It is the duty of the Board to investigate each case of epileptic or apparently feeble-minded youth committed to the school, and whenever satisfied that such inmate is a proper subject for commitment to the State School and Home for Feeble-minded, the Board is authorized to transfer any such inmate to such institution, and vice versa. 58/

(3) The Board must cause the boys and girls under its charge to be instructed in piety and morality, and in such branches of useful knowledge as are adopted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing, or agricultural, as is best suited to their age, strength, disposition, and capacity, and may seem best adapted to secure the reformation and future welfare of such boys and girls. 59/

(4) The Board is authorized to parole any inmate of the School. Before granting a parole the Board must make careful and diligent inquiry in regard to the age, past history, education, conduct and fitness of the inmate. The Superintendent must submit a detailed statement, and the Board must be satisfied that suitable employment has been obtained for the inmate, or if he be of tender years, that a suitable home has been secured for him. 60/

(5) If any boy or girl convicted of a felony, committed to the State Training School, proves unruly or incorrigible, or if his presence is injurious to the welfare of the School, the Board has the power to order the delivery of such person to the jailer of the county from which he was sent, and the proceedings against him must be resumed as if there had been no commitment. 61/

(6) The Board of Charities and Corrections and the Superintendent of the State Training School may make such allowances to an inmate out of his earnings as the Board and the Superintendent deem proper. Such sums are under the control of the Superintendent and the Board to be used as they deem best for the inmate and his family. In case of escape the inmate forfeits all allowance credited to him. 62/

(7) The Board may, by way of punishment for violation of the rules, misconduct, impropriety or general disobedience, cancel his credits and discontinue the payment of such portion of his earnings as would otherwise be paid him. 62/

58. Compiled Laws Ann. (1929), Sec. 5512.

All costs of transporting an inmate of the State Training School to the School and Home for the Feeble-minded must be paid out of the funds of the Training School; and all costs of transporting an inmate from the School and Home for the Feeble-minded to the State Training School, must be paid out of the funds of the School and Home for the Feeble-minded. Ibid, Sec. 5514.

59. Compiled Laws Ann. (1929), Sec. 5515.

60. Ibid, Sec. 5411, 5412, 5413.

61. Ibid, Sec. 5528.

62. Ibid, Sec. 5418.

1. General Powers and Duties (Cont'd)

(b) The Superintendent:

(1) The Superintendent, with such subordinate officers as the Board may appoint, has charge and custody of, and must discipline, govern, instruct and employ, and use his best endeavors to reform the inmates, in order to secure the promotion of moral, religious, and industrious habits, and regular, thorough progress and improvement in their studies, trades and employment. 63/

(2) It is the duty of the Superintendent to report to the Board all cases of epileptic or apparently feeble-minded youths, who have been committed to the school, and all facts within his knowledge pertaining to the history of each case. 64/

(3) When a parole is granted an inmate, the Superintendent must notify the county court from which such inmate was committed, the County Judge of the County where the inmate is placed, the State Parole Officer and the Secretary of the State Child Welfare Commission. 65/

(4) The Superintendent or such officer or employee as may be designated by the Board, must keep a permanent record of all paroled inmates, must keep in correspondence with each paroled inmate, and require reports from his employer during his parole when necessary to ascertain its condition and progress. It is the duty of the Superintendent or designated officer to visit the paroled inmate whenever necessary to ascertain his condition and progress. 66/

(5) When any girl is committed to the State Training School, it is the duty of the Clerk of the Court immediately to notify the Superintendent of such commitment. It is the duty of the Superintendent, upon receipt of such notice to immediately send a matron of the institution to convey the girl to the Training School. The costs of conveying the girl from the place where committed to the School, in the manner herein provided, must be paid out of the funds of the School. 67/

2. Composition and Appointment of Governing Body

See "State Board of Charities and Corrections".

3. Reports

See "State Board of Charities and Corrections", page 3915. (2).

63. Compiled Laws Ann. (1929), Sec. 5516.

64. Ibid, Sec. 5511.

65. Ibid, Sec. 5412.

66. Ibid, Sec. 5414.

67. Ibid, Sec. 5524.

4. Executive

The Superintendent is appointed and his salary and duties are fixed by the Board of Charities and Corrections. He may be removed by the Board for cause. 68/

5. Staff

A steward, teachers and such other officers and employees as in the judgment of the Board are necessary are appointed and their salaries are fixed by the Board of Charities and Corrections. They may be removed by the Board for good cause. 68/

6. Financial Provisions

See "State Board of Charities and Corrections".

STATE PAROLE OFFICER

(Statutory Body)

1. General Powers and Duties(a) The Governor:

The Governor has control of the State Parole Officer. 69/

(b) The State Board of Charities and Corrections:

The State Board of Charities and Corrections has immediate supervision, direction and control of the State Parole Officer. 70/

(c) State Parole Officer:

(1) It is the duty of the State Parole Officer to assist the Governor, the Board of Charities and Corrections, the Warden of the State Penitentiary, and the courts in enforcing and carrying out the provisions of the parole, pardon, indeterminate and suspended sentence laws of the State. 71/

68. Compiled Laws Ann. (1929), Sec. 5510.

69. Ibid, Sec. 10670-1.

70. Ibid, Sec. 5409.

71. Ibid, Sec. 10670-H, 5408.

1. General Powers and Duties (Cont'd)

(c) State Parole Officer: (Cont'd)

(2) It is the special duty of the Parole Officer to secure, as far as practicable, employment and homes for all persons discharged or paroled from the Penitentiary and Training School; and by his counsel and encouragement, aid in their reformation. He must exercise a constant supervision over all paroled persons. 72/

(3) The Parole Officer must keep an itemized account of the sums necessarily expended by him in the performance of the duties of his office, and, at the end of each month, present to the Board a detailed statement of such expenses. 73/

(4) In the supervision of the paroled inmates of the State Training School, the Parole Officer may call to his assistance the Child Welfare Board of the County where such inmate is placed, and the Probation Officers of the County Court, provided that the members of the Child Welfare Boards and the Probation Officers receive no compensation except as may be paid by the county. Such supervision in all cases is under the direction of the State Parole Officer. 74/

(5) The State Parole Officer must refer all cases of paroled girls to the county judge of the county in which such paroled girl is sent on parole; and it is the duty of the county judge to designate some reputable woman residing in the county to supervise such girl while on parole, such supervision to be under the direction of the State Parole Officer. 75/

(6) The State Parole Officer must perform such duties as the Governor may require. 76/

2. Composition and Appointment of Governing Body

The State Parole Officer is appointed by the Governor, at a salary of \$2,000 and actual necessary expenses incident to the performance of his duties. He serves at the pleasure of the Governor. 77/

3. Reports

The State Parole Officer must make reports on the paroled inmates as to their employment, conduct and observance of the conditions of their parole, and the manner of the performance of his own duties, as often as the Board may require or prescribe. 78/

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72. Compiled Laws Ann. (1929), Sec. 10670-H, 5408.
73. Ibid, Sec. 5407.
74. Ibid, Sec. 5416-A.
75. Ibid, Sec. 5416-B.
76. Ibid, Sec. 10670-I.
77. Ibid, Sec. 10670-G, 10670-I.
78. Ibid, Sec. 5408.

3. Reports (Cont'd)

He must monthly present to the Board of Charities and Corrections a detailed itemized statement of his expenses. 79/

Also see "State Board of Charities and Corrections", page 3915. (2)

4. Executive

See "State Parole Officer" under "Composition and Appointment of Governing Body".

5. Staff

No provision, other than assistance received from County Child Welfare Board and Probation Officer. 80/

6. Financial Provisions

See "State Board of Charities and Corrections".

79. Compiled Laws Ann. (1929), Sec. 5407.

80. Ibid, Sec. 5416-A.

SUPERINTENDENT OF YANKTON STATE HOSPITAL 81/

(Constitutional Body) 82/

1. General Powers and Duties

(a) Board of Charities and Corrections:

(1) The Board may take in the name of the State, and hold in trust for such hospital, any land conveyed or devised, and any money or personal property given or bequeathed to be applied for any purpose connected with the institution, but it must not divert any such land, or money, or personal property, to any purpose other than the one for which such are given, devised, or bequeathed. 83/

(2) The Board has the power to authorize the discharge of patients and may refuse additional applications for admission, upon recommendation of the Superintendent, when, in its judgment, the interests of the patients demand such discharge or refusal. 84/

(3) The Board must, from time to time, fix the sum to be paid for the board and care of patients, which must not exceed the sum of \$20 per month. 85/

81. The State Hospital for the Insane at Watertown, Codington County, was established in 1905, Laws (1905), Ch. 138, with the provision that no money be appropriated for building such second hospital until there were over a thousand patients at the Yankton State Hospital. In 1917, Laws (1917), Ch. 93, \$10,000 was appropriated to investigate and make plans for the establishment of the Watertown Hospital. In 1919, the sum of \$20,000 was appropriated for the improvements of the grounds for the "new hospital for the insane to be erected at Watertown". In 1921, the sum of \$3,000 was included in the general appropriation act for the "expense of the Watertown Hospital". No other statutory provisions have since been enacted in regard to this hospital.

82. Constitution, Art. 14, Sec. 21.

The purpose of such hospitals is to receive and care for all insane persons residing within the State, who may be committed thereto in accordance with law, and to furnish all needed medical treatment, seclusion, rest and restraint, attendance, amusement, occupation and support, which may tend to restore their health and sanity, or to alleviate their suffering. Compiled Laws Ann. (1929), Sec. 5467.

Commitments: See "County Board of Commissioners of the Insane".

83. Compiled Laws Ann. (1929), Sec. 5468.

The Board does not have the power to bind the State for any contract beyond the amount of the appropriation made for the purposes expressed in the contract, nor to sell or convey any part of the real estate belonging to such hospitals without the consent of the Legislature, except that it may release and mortgage or convey any real estate which may be held by it as security for any money or upon trust, the terms of which authorize such conveyance, and no member of the Board or officer of a hospital may be either directly or indirectly interested in any contracts for the purchase of building materials, supplies or other articles for the use of the institution. Ibid.

84. Compiled Laws Ann. (1929), Sec. 5467.

85. Ibid, Sec. 5475.

1. General Powers and Duties (Cont'd)(b) The Superintendent:

(1) The Superintendent is the chief executive officer of the Hospital, and has entire control of the medical, moral and dietetic treatment of the patients. 86/

(2) The Superintendent must furnish to the Chairman of the County Board of Insanity, the name of each patient discharged from the Hospital, whether recovered, paroled or on a visit, and also in case of escape or death. 87/

(3) The Superintendent must receive any prisoner from the State Penitentiary, who has become insane, upon order from the Warden of the Penitentiary, and must return said convict to the Penitentiary if he returns to sanity before the expiration of his sentence. 88/

(4) If any patient escapes from the hospital, the Superintendent must cause immediate search to be made for him; and if the patient can not be found, he must cause notice of his escape to be given to the Commissioners of Insanity of the County where the patient belongs. If such patient is found in the County, the Commissioners must cause him or her to be returned and must issue their warrant therefor, as in other cases, unless the patient is discharged. 89/

(5) Any patient, who is cured, must be immediately discharged by the Superintendent. Upon such discharge, the Superintendent must furnish the patient, unless otherwise supplied, with suitable clothing and a sum of money not exceeding \$20, which must be charged with the other hospital expenses of the patient. 90/

2. Composition and Appointment of Governing Body

See "State Board of Charities and Corrections".

86. Compiled Laws Ann. (1929), Sec. 5470.

87. Ibid, Sec. 5477.

88. Ibid, Sec. 5465.

89. Ibid, Sec. 5485.

90. Ibid, Sec. 5486.

3. Reports

It is the duty of the Superintendent to furnish the County Auditor of each county, having patients in the Hospital, a monthly report giving the number of patients, the name and cost of maintenance of the same, and the total amount due for such county for each month. At the time of making the report, the Superintendent must furnish the State Auditor with a certified copy of the same. 91/

Also see "State Board of Charities and Corrections", page 3915. (2)

4. Executive

The Superintendent, who must be a physician of accepted skill and ability, a graduate of a reputable school of medicine and who must have had at least 5 years experience in the actual care of the insane, either in public or private institutions, and who must be of good moral character, is appointed by the Board at a salary fixed by the Board. 92/

5. Staff

The Superintendent, by and with the advice of the Board, appoints the following officers and employees for the institution: 93/

(a) A matron, who must be a woman of good moral character, skilled in housekeeping, not the wife of any hospital officer, who, under the direction of the Superintendent, and not otherwise, has supervision of the domestic arrangements of the Hospital and who must do all she can for the comfort and welfare of the patients; 94/

(b) A steward, who, under the supervision of the Board, must keep the accounts, pay those employed in and about the Hospital, have general supervision of the farm, garden, and grounds, and purchase all supplies except such as are under the supervision of the Commissioner of Public Printing. In the absence of the Board, he must particularly observe the instructions of the Superintendent; 95/

(c) One or more assistant physicians, who must be possessed of the same qualifications as the Superintendent, except as to experience; and other necessary employees and assistants. 93/

91. Compiled Laws Ann. (1929), Sec. 5477.

92. Ibid, Sec. 5469.

93. Ibid, Sec. 5470.

94. Ibid, Sec. 5471.

95. Ibid, Sec. 5472.

South Dakota - Abstract of Administrative Provisions5. Staff (Cont'd)

The steward, matron, and assistant physicians are resident officers of the Hospital, and may be suspended at the will of the Superintendent. Other employees may be discharged at the will of the Superintendent. 96/

6. Financial Provisions

See "State Board of Charities and Corrections"

SUPERINTENDENT OF STATE SCHOOL AND HOME FOR FEEBLE-MINDED

(Statutory Body) 97/

1. General Powers and Duties(a) Board of Charities and Corrections:

The Board is authorized to transfer any patient detained in the Yankton State Hospital, from such hospital to the State School and Home for Feeble-minded, whenever satisfied that such person is not insane but feeble-minded. 98/

(b) The Superintendent:

(1) The Superintendent has supervision of the care, treatment, and education of the inmates of this institution, under the direction of the Board of Charities and Corrections, and in accordance with the rules and regulations established by such Board. 99/

96. Compiled Laws Ann. (1929), Sec. 5470.

97. Ibid, Sec. 5531.

The purpose of the institution is to provide care, custody, education and special means of improvement for those who are born or who have become imbeciles, feeble-minded or epileptic; to provide means of education and mental and physical training for all such persons who are capable of receiving same; and also to provide for the custody and care of all persons who are incapable of receiving training; providing that persons who have become feeble-minded by reason of age are not entitled to the benefits of the institution. Ibid.

Commitments: See "State Child Welfare Commission", "County Child Welfare Commission", "State Commission for Control of Feeble-minded", and "County Board of Commissioners of the Insane".

The period of instruction must not be less than 6 years, provided the parents of the child do not desire to provide training in their own homes or some private school. Ibid, Sec. 5536-B.

98. Compiled Laws Ann. (1929), Sec. 5537.

99. Ibid, Sec. 5532.

1. General Powers and Duties (Cont'd)

(b) The Superintendent: (Cont'd)

(2) It is the duty of the Superintendent to examine into the mental and physical condition, the records and family history of the inmates of the institution, with a view to determining whether it is impossible or inadvisable to allow any such inmates to procreate. He must make an annual report of such examinations to the Board of Charities and Corrections, and if a majority of them including such Superintendent, decide that procreation would produce children with a tendency to disease, feeble-mindedness, idiocy or imbedility, or if the mental condition of any inmate will probably be improved thereby, the physician of the institution or one selected by him shall perform the operation of vasectomy, or ligation of the fallopian tubes as the case may be, upon said person. The Superintendent must keep a record of all inmates operated on, with statistics and notes of observation regarding its benefits, and make an annual report to the Governor of all inmates operated on with the recorded results of such operation. 100/

2. Composition and Appointment of Governing Body

See "State Board of Charities and Corrections".

3. Reports

See "State Board of Charities and Corrections",
page 3915. (2)

4. Executive

A Superintendent is chosen and his salary is fixed by the Board of Charities and Corrections. 100/

5. Staff

A competent matron, and instructors for the inmates capable of receiving instruction, and other necessary employees for the management of the institution are appointed by the Superintendent, with the advice and consent of the Board of Charities and Corrections. The compensation of all such officers and employees is fixed by the Board. 100/

6. Financial Provisions

See "State Board of Charities and Corrections".

SUPERINTENDENT OF STATE SCHOOL FOR THE DEAF(Constitutional Body) 101/1. General Powers and Duties(a) Board of Charities and Corrections:

(1) The Board must so maintain and manage the State School for the Deaf as to afford an enlightened and practical education to the class of person entitled to its benefits. 102/

(2) The Board must preserve and care for the buildings, grounds and all property belonging to the School. 103/

(3) The Board must prescribe such charges for board, tuition and care of pupils received from without the State, as will at least pay all their expenses; and must collect all such charges. 103/

(4) It must faithfully apply all funds, effects, and property, which may be received for the use and benefit of the School. 103/

(5) The Board must fix the period of the academic year of said school, which period must not be less than 40 weeks. 103/

(6) The Board fixes the duties of the Superintendent. 103/

(b) The Superintendent:

The Superintendent must take all necessary action to provide that deaf children in the school be given the advantages of a proper education. 102/

2. Composition and Appointment of Governing Body

See "State Board of Charities and Corrections",
page 3915. (2)

101. Constitution, Art. 14, Sec. 1.

The School must receive and teach free of charge all residents of the State over 6 and under 30 years of age, capable of receiving instruction, and free from contagious or chronic diseases, who are too deaf to receive the full benefit of the public schools. Like pupils may be received from outside the State upon payment to the Superintendent of charges for board, tuition and care. If in the judgment of the Board, upon recommendation of the Superintendent, a pupil is qualified, such pupil may attend school for 3 years, in addition to the 9 years ordinarily allowed. Compiled Laws Ann. (1929), Sec. 5499.

County and city superintendents of schools must send to the Superintendent of the State School for the Deaf, the names of all deaf children of proper school age residing in his city or county. Ibid, Sec. 5504.

102. Compiled Laws Ann. (1929), Sec. 5504.

103. Ibid, Sec. 5498.

3. Reports

See "State Board of Charities and Corrections", page 3915. (2)

4. Executive

The Superintendent, who must be skilled in the use of the sign language, and capable and efficient for the instruction, management, and care of the deaf and dumb, is employed and his salary is fixed by the State Board of Charities and Corrections. 104/

5. Staff

Necessary teachers, assistants, watchmen and servants are employed and their salaries are fixed by the Board. 104/

6. Financial Provisions

See "State Board of Charities and Corrections", page 3915. (2)

SUPERINTENDENT OF STATE SCHOOL FOR THE BLIND

(Constitutional Body) 105/

1. General Powers and Duties

(a) Board of Charities and Corrections:

See "State Board of Charities and Corrections".

(b) The Superintendent:

The Superintendent must take all necessary action to provide that all blind children attending the school be given the advantages of a proper education. 106/

104. Compiled Laws Ann. (1929), Sec. 5498.

105. Constitution, Art. 14, Sec. 1.

The State School for the Blind receives free of charge for at least 12 years, residents of the State over 6 and under 21 years of age, capable of receiving instruction, and who are free from contagious or chronic diseases and physically fit to attend such school, who by reason of partial or total blindness have not received and are unable to receive the full benefit of the public schools. Like pupils may be received from outside the State, upon payment to the Superintendent of Charges for board, tuition and care. Compiled Laws Ann. (1929), Sec. 5503, as amended by Laws (1931), Ch. 247.

The county and city superintendents of schools must send to the Superintendent of the State School for the Blind, the names of all blind children of proper school age residing in his county or city. Ibid, Sec. 5504.

106. Compiled Laws Ann. (1929), Sec. 5504.

2. Composition and Appointment of Governing Body

See "State Board of Charities and Corrections".

3. Reports

See "State Board of Charities and Corrections",
page 3915. (2)

4. Executive

The Superintendent of the School is appointed by the
State Board of Charities and Corrections. 107/

5. Staff

Necessary instructors and attendants are appointed by
the State Board of Charities and Corrections. 107/

6. Financial Provisions

See "State Board of Charities and Corrections".

107. Compiled Laws Ann. (1929), Sec. 5501.

SUPERINTENDENT OF STATE SANITORIUM FOR TUBERCULOSIS

(Statutory Body) 108/

1. General Powers and Duties

(a) Board of Charities and Corrections:

See "State Board of Charities and Corrections".

(b) The Superintendent:

The Superintendent prescribes rules for the government of the Sanitorium, not inconsistent with any law of the State, subject to the approval of the Board of Charities and Corrections. 109/

108. Compiled Laws Ann. (1929), Sec. 5539.

The State Sanitorium is maintained for the treatment of persons afflicted with incipient pulmonary tuberculosis, or consumption, residing within the State; for the education and instruction of such persons and others relative to the nature of and remedies for such affliction for scientific research, and the discovery of any development of remedies therefor. Ibid, Sec. 5540.

Any person wishing to become a patient in the institution must make application to the Superintendent thereof, and if it appears from such application that the applicant is and has been a resident of the State for one year preceding such application, and is in all other respects entitled under the laws to admission, such applicant must be directed by the Superintendent to appear for examination before the examining physician in the County in which the applicant resides. The physician must report on his findings to the Superintendent, and, if he finds the applicant entitled to admission, the Superintendent must receive the applicant as a patient, upon receipt of an order to that effect from the County Judge, providing there is room in the hospital. Ibid, Sec. 5542, as amended by Laws (1931), Ch. 245.

On receipt of notice from the Superintendent of the State Sanitorium that such applicant is eligible for admission thereto, the County Judge must set a time and place for hearing such application and must notify the applicant and the State's Attorney. The issues to be tried at such hearing are the legal settlement of the applicant, and as to what amount if any, the applicant or those legally liable for his support are able to pay per week for treatment. If, upon such hearing, the county judge finds that the applicant or those liable for his support is or are unable to pay any part of the \$15 payable for his support at the sanitorium, the county judge must enter an order that the cost of the treatment, or part of the cost thereof, must be paid by the county in which the applicant has legal settlement. Ibid, Sec. 5544, as amended by Laws (1931), Ch. 246.

If the Board of County Commissioners of the County in which the applicant has legal settlement requests the State's Attorney, either before or after the applicant's admission to the Sanitorium, to appeal to the circuit court, it is the duty of the State's Attorney to take and perfect such appeal, or the applicant may take and perfect an appeal to the circuit court. Ibid, Sec. 5545.

109. Compiled Laws Ann. (1929), Sec. 5553.

2. Composition and Appointment of Governing Body

See "State Board of Charities and Corrections".

3. Reports

The Superintendent must make a monthly report to the County Auditor of each County having patients in the Sanitorium, giving number, name, cost of treatment, and total amount due from said County each month. Said report must be published in the official newspapers of the county with the proceedings of the County Board, and the County Auditor must add thereto a statement showing the amount paid by patients, the amount paid by the County, and the amount of taxes collected for the maintenance of the State Sanitorium. 110/

The Superintendent must also furnish at once to the County Auditor, the County Judge of the County wherein the legal settlement of the patient is found to be, and to the State Auditor the name of each patient discharged, whether recovered, paroled, or on a visit, and when requested, must make a brief statement as to the progress and physical condition of each patient. 110/

Also see "State Board of Charities and Corrections", page 3915. (2)

4. Executive

The Board must appoint and fix the compensation of a superintendent for the State Sanitorium who must be a duly licensed and competent physician. 111/

5. Staff

The Superintendent must appoint in each county of the State, subject to the approval of the County Judge, one reputable physician duly licensed in the State, whose appointment may be discontinued at the pleasure of the Superintendent, and whose duty it is to examine all persons making application to be admitted as patients to the Sanitorium. Such physician is entitled to a fee, which must be paid by the County, unless the applicant or his relatives or friends are willing to pay the same. 112/

6. Financial Provisions

See "State Board of Charities and Corrections".

110. Compiled Laws Ann. (1929), Sec. 5546, as amended by Laws (1931), Ch. 246.

111. Ibid, Sec. 5541.

112. Ibid, Sec. 5543.

BOARD OF PARDONS

(Constitutional Body)

1. General Powers and Duties

(a) Board:

The Board of Pardons is authorized to establish such rules and regulations governing applications for pardon, commutation of sentence and remission of fines, not inconsistent with any law of this State, as it may deem advisable. 1/

(b) Governor:

The Governor has power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; provided that in all cases where the sentence of the court is imprisonment for life, or for a term longer than 2 years, or a fine exceeding \$200, no pardon may be granted, sentence commuted or fine remitted except upon the recommendation in writing of the Board of Pardons. 2/

1. Compiled Laws (1929), Sec. 5560.

Notice of every application for pardon, commutation of sentence or remission of fine, requiring action by the Board of Pardons, must be given to the State's Attorney who prosecuted the person whose pardon is sought, or his successor in office, at least 30 days before such application is filed with the Secretary of State, who is Clerk of the Board of Pardons. A notice of such application, setting forth the name of the person on whose behalf it is made, the crime of which he has been convicted, the time of such conviction, and the term of imprisonment, must also be published once a week for 4 successive weeks in some newspaper of general circulation in the county where the offense for which pardon is sought was committed; or if there is no newspaper published, such notice must be posted in a conspicuous place on the door of the courthouse of such county. Ibid, Sec. 5557.

Before the Board acts upon any application for pardon, commutation of sentence, or remission of fine, it may require the State's Attorney, by whom the action was prosecuted, or his successor in office to furnish it, without delay, a statement of the facts proved in the trial, and of any other facts having reference to the propriety of granting the pardon. Ibid, Sec. 5558.

A person or persons feeling aggrieved by the application for any pardon, commutation of sentence, or remission of fine, may contest the same, for that purpose appearing in person before the Board of Pardons during the consideration of such application and must show cause by written or oral testimony why such application should not be granted. Ibid, Sec. 5559.

2. Compiled Laws (1929), Sec. 5310.

2. Composition and Appointment of Governing Body

The Board of Pardons consists of the presiding judge of the Supreme Court, the Secretary of State and the Attorney General. 3/
The term of office of the Judge of the Supreme Court is 6 years. 4/
The Secretary of State and the Attorney General are elected for 2 years 5/,
as is the Governor. 6/

3. Reports

No provision.

4. Executive

The Secretary of State is clerk of the Board of Pardons. 7/.

5. Staff

No provision.

6. Financial Provisions

None.

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3. Compiled Laws (1929), Sec. 5554.
 4. Ibid, Sec. 5128.
 5. Constitution, Art. 5, Sec. 12.
 6. Ibid, Art. 4, Sec. 1, 2.
 7. Compiled Laws (1929), Sec. 5557.

STATE CHILD WELFARE COMMISSION

(Statutory Body)

1. General Powers and Duties

(a) The State Child Welfare Commission must investigate or cause to be investigated through duly licensed and certified organizations or agencies, homes into which children are placed for temporary or permanent care or to be adopted, and remove all children who are found to have been placed in improper and unsuitable homes. 1/

(b) The Commission must investigate petitions for adoption of children or cause same to be investigated by duly licensed and certified organizations or agencies, when such petitions are referred by courts of competent jurisdiction, and report to such court as to the suitability of the home and the child each to the other. 1/

(c) The Commission must accept the guardianship of the persons of children who may be committed to its care by courts of competent jurisdiction as neglected, delinquent, dependent or defective, and make such provisions for children so committed as will afford them proper care and protection. 1/

(d) The Commission must cooperate with the juvenile courts of the State in the investigation of cases of delinquency, dependency, and neglect, and upon request of such courts, assist in making provisions for delinquent and dependent children, act as voluntary probation officers and provide voluntary probationary supervision where no other is available, and assist in establishing uniform and efficient standards of juvenile court administration and probation service in the State. 1/

(e) The Commission must secure the enforcement of the uniform illegitimacy act and other laws for the protection of the unmarried mother in such ways as will protect the health, well-being and general interest of her child. 1/

(f) The Commission must assist in the enforcement of the laws relating to the welfare of children including child labor laws, laws relating to cruelty, contributory delinquency and dependency, non-support, desertion, compulsory education, and all other laws designed to protect and assist the child, and take the initiative in securing the enforcement of laws for the protection of children where no adequate provision is made for such enforcement. 1/

(g) The Commission must aid in locating and providing proper care for feeble-minded, blind, deaf, or otherwise defective children within the State. 1/

1. General Powers and Duties (Cont'd)

(h) The Commission must assist in the supervision of children on parole from the State Institutions, upon the request of the proper authorities. 2/

(i) The Commission supervises generally the work of county child welfare boards and of child welfare work in the State and performs such other duties as may be conferred by law upon it. 2/

2. Composition and Appointment of Governing Body

The Commission consists of 3 citizens of the State, 2 of whom must be women, appointed by the Governor to serve for terms of 2 years without compensation. 3/

3. Reports

The Commission reports to the courts as to the suitability of children's homes and child caring agencies. 2/

The Commission must report to Governor biennially. 4/

4. Executive

The Commission selects an executive secretary who may or may not be a member of the Commission. The entire time of the secretary must be devoted to the duties of the office which is located at the Capitol. The secretary receives a salary not to exceed \$1,800 annually, as fixed by the Commission, and actual necessary expenses incident to the performance of his duties. 3/

5. Staff

The Commission has authority to employ such additional help as may be necessary to carry out the provisions of this act. 3/

6. Financial Provisions

There is appropriated from the State Treasury for the period from July 1, 1935 to June 30, 1937, for carrying out the purposes of the Child Welfare Commission, the sum of \$8,000. 5/

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2. Laws (1931), Ch. 92, Sec. 2.
 3. Ibid, Sec. 1.
 4. Compiled Laws (1929), Sec. 10670L.
 5. Laws (1935), Ch. 17, Sec. 20.

STATE COMMISSION FOR THE CONTROL OF THE FEEBLE-MINDED

(Statutory Body)

1. General Powers and Duties

(a) The State Commission for the Control of the Feeble-minded has the authority in all matters pertaining to the care, supervision and control of all feeble-minded persons in the State of South Dakota not confined within the State School and Home for the Feeble-minded, and must determine the conditions under which such feeble-minded persons shall be permitted to remain outside of said institution; and when, and under what condition, commitment to such institution shall be required. 1/

(b) The Commission must make a survey of all State institutions and of the State generally, to ascertain the persons whom they believe to be feeble-minded, in order that the Commission may make necessary complaints to the County Commission. 2/

(c) In every instance where it is reported or comes to the attention of the State Commission that there is a feeble-minded person within the State, outside of the State School and Home for Feeble-minded, it is the duty of the Commission to make an investigation to determine whether it is improper or inadvisable to allow such person to procreate. If a majority of the Commission deem such improper or inadvisable, it is the duty of the Commission to make complaint forthwith to the County Board of Insanity. 3/

(d) It is the duty of the Commission to maintain a continuative census of the feeble-minded in the State, and all Boards of Education, School Principals, County Superintendents of Schools, City School Superintendents, and Teachers, must give to the Commission, or its agents, access to all school records and to all children within their control for the purposes of examination. 4/

1. Laws (1931), Ch. 153, Sec. 2.

2. Compiled Laws (1929), Sec. 5538-E.

The County Board of Insanity in each county constitutes the Sub-Commission of the State Commission in their respective counties, and specific authority is granted such Sub-Commissions to apprehend, examine, commit, establish guardianships, transport and maintain the custody of any feeble-minded person within their respective counties. Laws (1931), Ch. 153, Sec. 4.

3. Compiled Laws (1929), Sec. 5538-F. See "County Board of Insanity".

4. Laws (1931), Ch. 153, Sec. 3.

It is the duty of all teachers and school superintendents to report to the Commission the name, age and residence of all children found by them incapable, by reason of mental defect, of doing the school work of the common grades, and all other children retarded 3 or more years. It is the duty of all doctors, nurses, hospitals, penal and charitable institutions, county welfare boards, public health officers, and boards or commissions to report to the Commission, the name, age and residence of all children believed to be feeble-minded, and also it is their duty to furnish all information which they may have as to the antecedents of such person believed to be feeble-minded. Ibid.

1. General Powers and Duties (Cont'd)

(e) It is the duty of the Commission to submit to the Sub-Commission of each county, a list of all persons believed to be feeble-minded and residing within such county. 5/

(f) The Commission must file with the Clerk of Courts of each County and any other marriage license-issuing agency, a complete list of all persons found by the sub-commissions to be feeble-minded 6/, and it is unlawful for any clerk of courts or marriage license-issuing agency to issue a marriage license if the name of either applicant is on such list. 7/

2. Composition and Appointment of Governing Body

The Commission consists of the Superintendent of the State School and Home for the Feeble-minded, and one physician and one lawyer appointed by the Governor. The appointive members serve 4-year terms and receive for their services \$5 for each day actually and necessarily devoted to the performance of their duties and actual necessary expenses. 8/

3. Reports

No provision.

(All school teachers report feeble-minded children to the State Board.) 9/

4. Executive

The Superintendent of the State School and Home for Feeble-minded is Chairman of the Board. 8/

5. Staff

The Commission has the power to employ a psychologist and any other personnel deemed necessary. 8/

6. Financial Provisions

Expenses incurred in the administration of the provisions of this Act including per diem of appointive members of the Commission, compensation of employees and traveling expenses, including board and lodging while away from home and engaged in the performance of their duties, must be paid out of the funds provided for the maintenance and support of the State School and Home for Feeble-minded. 8/

5. Laws (1931), Ch. 153, Sec. 5.

It is the duty of the sub-commission to investigate the cases listed and act upon them. Ibid, Sec. 6.

6. Laws (1931), Ch. 153, Sec. 10.

7. Ibid, Sec. 11.

8. Compiled Laws (1929), Sec. 5538-A.

9. Ibid, Sec. 5538-F.

SOLDIERS' HOME BOARD

(Statutory Body)

1. General Powers and Duties

(a) Board:

(1) The Soldiers' Home Board provides for the local management of the Soldiers' Home and the enforcement of all such rules and regulations as are now or may hereafter be required by the statutes of the United States to enable this State to receive such aid as is usually extended by the National Government to States which maintain institutions of like character. 1/

(2) The Board prescribes the method of local management of the Home, makes and enforces such rules and regulations as it deems necessary and proper for the maintenance of order and discipline, and the preservation of the health and comfort of the members of the Home. 1/

(3) The Board holds 4 regular meetings each year, and such special meetings as in its opinion are necessary. 2/

(4) The Board is liable personally and upon official bond for the amount of money expended for any other purpose than the specific purposes for which the money was appropriated. 2/

(5) The Board holds a final hearing regarding suspension and expulsion of members of the Home, and for this purpose the Chairman of the Board has the power to subpoena and swear witnesses. 1/

(6) The Board makes rules and regulations for the administration of funds for relief of Civil War Veterans, their wives and widows, who are not in a condition to be taken to the Soldiers' Home. 3/

(b) Superintendent:

(1) The Superintendent has the power to temporarily suspend and expel any member of the Home for the violation of rules and regulations, pending a final hearing before the Board. 1/

1. Compiled Laws (1929), Sec. 9953, as amended by Laws (1931), Ch. 227.

Note: For definition of beneficiaries and procedure of admission see Abstract of Public Welfare Provisions, "Soldiers' and Sailors" Relief".

2. Compiled Laws (1929), Sec. 9952.

3. Laws (1931), Ch. 25.

2. Composition and Appointment of Governing Body

The South Dakota Soldiers' Home is under the control and general supervision of the State Board of Managers, consisting of 3 members whose appointments by the Governor are confirmed by the Senate. 4/

The members of the Board serve 2-year terms, from the 1st day of April next succeeding the date of their respective appointments. All Board members hold office until their successors are appointed and have qualified. The Governor appoints persons to fill all vacancies which occur in the membership of the Board and the person so appointed holds office until the next session of the Legislature following appointment. 5/

The compensation of each member of the Board is \$5 per day while actually and necessarily employed, and all expenses which are actually and necessarily incurred in the proper discharge of his duties; provided, that no member of the Board receive as per diem more than the sum of \$300 in any one year. 6/

3. Reports

A full and complete record of all the proceedings of the Board must be kept, and a full report not exceeding 20 pages in length, of the general condition of the Soldiers' Home, showing in detail all receipts and disbursements, must be made biennially to the Governor. 7/

4. Executive

The Board must appoint a superintendent who must be a resident of the State and must not be a resident of the county in which the Home is located. 8/

The Superintendent of the Home receives a salary fixed by the Board. He must reside at the Home, and, under the direction of the Board, has charge of the local management and supervision of the institution and must recommend to the Board such measures as he may deem necessary for the Government of the Home. 9/

5. Staff

All subordinate employees appointed by the Superintendent receive such compensation as the Board fixes, and are subject to removal by the Superintendent for inefficiency and misconduct. 9/

4. Compiled Laws (1929), Sec. 9948.

5. Ibid, Sec. 9949.

6. Ibid, Sec. 9950.

7. Ibid, Sec. 9952.

8. Ibid, Sec. 9953, as amended by Laws (1931), Ch. 227.

9. Compiled Laws (1929), Sec. 9954.

6. Financial Provisions

The Home is financed by appropriations from the State Treasury. 10/

Amount of Appropriations:

The sum of \$228,200 is appropriated for the fiscal years ending June 30, 1936 and 1937. 10/

Limitation of Funds:

The Board 11/

Per diem and expenses.	\$	1,800	
Providing assistance, etc., G.A.R.		1,000	
Providing assistance, etc., Spanish			
War Veterans.		1,000	
			\$ 3,800

The Home 12/

Salaries and wages	\$	80,960	
Additions and improvements		7,000	
Maintenance.		136,440	
			\$224,400

Total. \$228,200

- 10. Laws (1935), S. B. 192, Sec. 1.
- 11. Ibid, Sec. 25.
- 12. Ibid, Sec. 43.

BOARD OF COUNTY COMMISSIONERS

(Statutory Body)

1. General Powers and Duties

Note: Only those duties dealing with Welfare are listed.

(a) The County Commissioners in each county have the oversight and care of any poor person in their county so long as he remains a county charge, and must see that he is properly relieved and taken care of in the manner provided by law. 1/

(b) It is the duty of the County Commissioners in counties wherein no county poorhouse is established, 2 weeks preceding the 1st Monday in April of each year to give public notice, by having published in the newspaper or newspapers in their respective counties, or in case no such newspaper is published, by posting in 3 public places in the county, an advertisement asking for sealed proposals for the maintenance of the poor, who are to be provided for during the coming year, but nothing herein contained prohibits the Board from receiving and accepting propositions at any time for the keeping of such poor persons as may in the interim become county charges or of rejecting the propositions of persons known to be unable to fulfill their obligations to such poor. Provided that in lieu of the relief hereinbefore mentioned the County Commissioners may lease or use a suitable building or buildings in a convenient part of the county for feeding and lodging poor persons who are county charges, employ an overseer and such additional help as may be required for each of the buildings, equip the same properly and provide necessary supplies therefor at county expense under the supervision of the County Commissioners. 2/

(c) The Board of County Commissioners may, in its discretion, allow and pay to poor persons who may become county charges, and who are of mature years and sound mind, and who from their general character will probably be benefitted thereby, and also to the parents of idiots and children otherwise helpless and requiring the attention of their parents, and who are unable to provide for such children themselves, such annual allowance as will not exceed the charge of their maintenance in the ordinary mode. The Board taking the usual amount of charges in like cases as the rule for making such allowance; provided that nothing in this section shall be so construed as to interfere with the payment of any Mothers' Pension as otherwise provided. 3/

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1. Compiled Laws Ann. (1929), Sec. 10039.
 2. Ibid, Sec. 10040, as amended by Session Laws (1933), Ch. 181.
 3. Compiled Laws Ann. (1929), Sec. 10041.

1. General Powers and Duties (Cont'd)

(d) It is the duty of the County Commissioners on any complaint made to them on behalf of the poor, to examine into the grounds of such complaint; and if in their judgment such poor have not been sufficiently provided with the common necessities of life, or have in any respect been ill-treated by the person or persons under whose charge they have been placed, to withhold any part of the compensation allowed to such person or persons keeping them, as such commissioners may deem reasonable and proper, and remove such poor and place them in the care of some other person. 4/

(e) The County Commissioners must enter in the poor book all the poor persons in their county who are unable to care for themselves and who are in their judgment entitled to the benefit of the provisions of this chapter, together with the date of such entry. 5/

(f) If anyone within the description of poor persons is found in any county, and the Commissioners of such county are unable to ascertain and establish the last place of legal settlement of such person, they must proceed in their discretion to provide for such poor person in the same manner as other persons are directed to be provided for. 6/

(g) The Board of County Commissioners must establish rules not inconsistent with the laws of this State, covering the admission of persons to the county hospital, and must require every person admitted to such hospital to pay the county the cost of his care therein; provided that in the case of poor and indigent persons, the Board may pay the cost of the care of such persons out of the poor fund. 7/

(h) Whenever any person entitled to temporary relief as a poor person, is in any county in which he or she has not a legal settlement, the Commissioners thereof may, if they deem it advisable, grant such relief by placing him or her temporarily in the poorhouse of the county, if there be one, otherwise the Commissioners must provide the same relief as is customary in cases where a legal settlement has been obtained. 8/

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4. Compiled Laws Ann., (1929), Sec. 10042.
 5. Ibid, Sec. 10043.
 6. Ibid, Sec. 10045.
 7. Ibid, Sec. 10046.
 8. Ibid, Sec. 10047.

1. General Powers and Duties (Cont'd)

(i) It is the duty of the County Commissioners on complaint made to them that any person not an inhabitant of that county is lying sick therein or in distress, without friends or money, so that he or she is likely to suffer, to examine into such case and grant such temporary relief as the nature of the case may require; and if any such person dies within any county, it is the duty of the Commissioners of the county, after having given notice to the dean of the department of medicine of the State University, and received no requisition from such dean, to employ some person to provide for and superintend the burial of such deceased person. 9/

(j) It is lawful for the Board of County Commissioners, whenever it may deem it advisable, after having submitted the question to the legal voters of the county at a special election, if at such election a majority of the legal voters shall vote in favor of the proposition, to purchase a tract of land in the name of the county and thereon to build, establish and organize an asylum for the poor; and it is lawful for the County Commissioners of 2 or more counties, after having been so authorized by a majority of the legal voters of their respective counties, to jointly purchase lands and erect asylums, and to do other things necessary and proper for the relief of the poor within the counties forming such joint ownership. 10/

(k) It is the duty of the County Commissioners to appoint annually a well qualified physician to attend the county asylum and allow him a reasonable compensation for his services. 11/

(l) To raise the sum necessary for the purchase of land and the erection and furnishing of buildings for such asylum, the Board of County Commissioners has power to assess a tax on all taxable property within the county, not exceeding \$500, unless the amount of taxes to be assessed shall be submitted to a vote of the people at a special election. 12/

(m) Any asylum or farm, and the property real and personal relating thereto, which belongs to the county, may be sold, leased or otherwise disposed of or applied in such manner as the Board of County Commissioners may deem best for the interest of the County. 13/

(n) It is the duty of the Board of County Commissioners, in its discretion, to appoint a Board of Visitors annually to visit the asylum of such county and to report to the Commissioners. 14/

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9. Compiled Laws Ann. (1929), Sec. 10052.
 10. Ibid, Sec. 10053.
 11. Ibid, Sec. 10055.
 12. Ibid, Sec. 10056.
 13. Ibid, Sec. 10060.
 14. Ibid, Sec. 10061.

1. General Powers and Duties (Cont'd)

(o) It is the duty of the Board of County Commissioners to provide out of the money in the County Treasury, such sum each year as will meet and pay the allowance made by the court for aid to dependent children in their own homes; and to provide such money, the Board must levy a tax not to exceed one-half of a mill on the valuation of taxable property in the county. 15/

(p) If the Board of County Commissioners in the county in which the applicant has legal settlement requests the State's Attorney, either before or after the applicant's admission to the State Sanitorium, to appeal to the circuit court of the county charged from any order made by the county judge, it is the duty of the State's Attorney to perfect such appeal. 16/

(q) Whenever the Board of County Commissioners in any county having within its borders a municipal corporation of the 1st class, deems it necessary and advisable for the best interest of the county, for the protection of health, for the promotion of morals and order within the county, to employ one or more persons to act as welfare workers in the distribution of funds to needy persons, the Board of County Commissioners is empowered to employ them. 17/

(r) In all cases where financial assistance may hereafter be requested of or through the County Commissioners in any county, it is discretionary with the Board of County Commissioners, to first require the applicant for assistance to secure the approval of the township board or of the governing body of the town or city wherein the applicant resides, and to make such recommendation as to the amount, if any, of aid to be given such applicant. 18/

(s) The Board of County Commissioners may designate the County Welfare Board to act as its agent in the administration of county poor funds. 19/

(t) The Board of County Commissioners selects one of its members annually at its 1st meeting in January of each year, who together with the county judge and 3 citizens of the county to be nominated by the Board and confirmed by the State Public Welfare Commission; serve as the County Welfare Board. 20/

(u) It is the duty of the Board of County Commissioners to appoint a reputable practicing physician to act on the County Board of Insanity. 21/

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15. Compiled Laws Ann. (1929), Sec. 10030.
 16. Ibid, Sec. 5545.
 17. Session Laws (1933), Ch. 67.
 18. Ibid, Ch. 159, Sec. 1.
 19. Ibid, (1935), S. B. 170, Sec. 6.
 20. Ibid, Sec. 3c.
 21. Compiled Laws Ann. (1929), Sec. 10066.

1. General Powers and Duties (Cont'd)

(v) The Board of County Commissioners fixes the compensation of the 2 appointive members of the County Child Welfare Board. 22/

2. Composition and Appointment of Governing Body

Each organized county has a Board of County Commissioners consisting of not less than 3 nor more than 5 members, each of whom is elected at a general election only and whose term of office is 4 years, commencing on the 1st Tuesday in January following his election, the terms rotate. 23/

The nomination and election of County Commissioners is by a vote of the electors of the district of which such candidate is a resident elector; provided that in case any County Commissioner removes from his district, the office is declared vacant and such vacancy is filled for the unexpired term in the manner provided by law. 24/

Each County Commissioner must execute and file an official bond, as required of other county officers, in the penal sum of \$1,000 to be approved by the Clerk of the Courts. 25/

The County Commissioners are each allowed for the time they are actually and necessarily employed in the duties of their office and in attending and returning from session the sum of \$6 per day and 10¢ per mile. The per diem allowed County Commissioners ranges from \$600 to \$800, and the amount allowed as mileage ranges from \$400 to \$700, dependent on whether the population is more or less than 15,000 and on the number of government townships. 26/

22. Compiled Laws Ann. (1929), Sec. 1004-A.

23. Ibid, Sec. 5860.

The number of County Commissioners of any county may be increased to 5 or reduced to 3 in the following manner: Whenever 20% of the legal voters petition the Board of County Commissioners, such Board shall submit the question to the vote of the electors of the county. Ibid, Sec. 5862.

When the returns of such election show a majority of votes for an increase from 3 to 5 County Commissioners, it shall be the duty of the Board of County Commissioners, within 10 days, to divide the county into 5 districts. At the ensuing general election a Commissioner for each additional district shall be nominated and elected. The tenure of office of the existing Board of County Commissioners shall not be affected. Ibid, Sec. 5863.

24. Compiled Laws Ann. (1929), Sec. 5861.

25. Ibid, Sec. 5866.

26. Ibid, Sec. 5876.

3. Reports

No provision.

4. Executive

At the first meeting of the Board of County Commissioners in each year, it elects one of its number chairman, who shall act as such during the year in which he is elected or until his successor is elected, and in case of a vacancy from any cause whatever, the Board may elect another chairman. 27/

5. Staff

No provision.

6. Financial Provisions

On the first Tuesday in September of each year or within 10 days thereafter, the Board of County Commissioners must levy the necessary taxes for the current fiscal year on all taxable property in the county. Such taxes are based upon an itemized estimate of the county expenses for the ensuing year which is included in the published proceedings of the Board, and no greater levy of county tax may be made upon the taxable property of any county than will be equal to the amount of such expenses, with an excess of 5% of the same. The estimate must include the following purposes:

(1) For general county purposes, including the support of the poor and the tree bounties;

(2) For the support of the insane;

(3) For the special salary fund. 28/

27. Compiled Laws Ann. (1929), Sec. 5869.

28. Ibid, Sec. 6749.

COUNTY BOARD OF COMMISSIONERS OF THE INSANE

(Statutory Body)

1. General Powers and Duties

(a) The County Board of Commissioners of the Insane must have cognizance of all applications for admission to a hospital for the insane or for the safe-keeping otherwise of insane persons. 1/

(b) The Board must issue subpoenas and compel obedience thereto, and do any act of a court necessary and proper for the purpose of discharging the duties required of it. 1/

1. Compiled Laws (1929), Sec. 10069.

Application for admission to the Hospital is made to the Chairman of the Board, in writing, in the nature of an information verified by affidavits. If satisfied that there is reasonable cause for believing the person insane, the Chairman may issue a warrant and cause such person to be taken into custody. Ibid, Sec. 10070.

On the filing of an information, the Board must investigate, and may require the person brought before it for examination. The Board may issue warrant for the insane person, to be executed by the sheriff or any constable in the county or by any person especially appointed by such Board, or it may dispense with the presence of such insane person. The person charged with being insane or any citizen of the county or relative of the person alleged to be insane may appeal and resist the application and any person authorized to appear may appear by counsel. The member of the Board, who is a physician is required to visit and make a personal examination of such person, and to report thereon, certifying that he finds the person in question to be insane or not insane; and he also questions the relatives of the person and files such interrogatories, answers, and certificates, one copy in the office of the Clerk of the Courts, and one with the Superintendent of the Hospital for the Insane. Ibid, Sec. 10071.

On the return of the certificate, by the member of the Board who is a physician, the Board must conclude the investigation, and decide whether or not the person is insane, whether such person is a subject for treatment and custody in the hospital for the insane, and such other information as is required. If it finds such person is insane, it must order his discharge; if found insane and a fit subject for treatment and custody in the Hospital for the Insane, the Board must issue warrant authorizing the Superintendent of the Hospital for the Insane to receive and keep such person as a patient therein. Ibid, Sec. 10072.

If there is no room in the Hospital for the said insane person, the Board may, in its discretion, require that the patient be taken to the asylum of any State that may be designated by the Governor, who has the authority to make the best terms he can with the authorities of any asylum in any State for the admission of such patients. Ibid, Sec. 10077.

On information laid before the Board of Insanity that any insane person in the county is suffering for want of proper care, it must inquire into the matter, and if it finds the information well founded it must make all needful provision for the care of such person as provided in other cases. Ibid, Sec. 10079.

1. General Powers and Duties (Cont'd)

(c) The Board must take steps to investigate applications and to hold hearings for the commission to the hospital for the insane. 2/

(d) The County Board of Insanity in each county constitutes the Sub-Commission of the State Commission in their respective counties, and specific authority is granted such sub-commissions to apprehend, examine, commit, establish guardianships, transport and maintain the custody of any feeble-minded person within their respective counties. 3/ It is the duty of such sub-commissions to investigate the cases listed and act upon them. 4/

(e) When the State Commission has made a complaint to the County Board of Insanity, having determined that it is improper or inadvisable to allow any feeble-minded person within the State, outside the State School and Home for Feeble-minded, to procreate, the County Board must give notice and hold a hearing, and if in their opinion such person would produce children with a tendency to disease, feeble-mindedness, idiocy or imbecility, or if they are of the opinion that an operation would improve the mental condition of the person, upon a majority finding the person to be feeble-minded, they must commit such person to the State School and Home for Feeble-minded. 5/

2. Composition and Appointment of Governing Body

The County Board of Commissioners of the Insane in each county of the State consists of the County Judge, who acts as Chairman of the Board, the State's Attorney who acts as clerk and a reputable practicing physician appointed by the Board of County Commissioners to be styled as Board of Insanity, 2 members of whom constitute a quorum. 6/

The State's Attorney, in the absence or inability of the Chairman to act, is ex officio chairman of the Board. In case of temporary absence or inability of such members to act, the Chairman or acting Chairman must call to his aid a reputable practicing physician or licensed attorney and counsellor at law, or both, who after qualifying as in other cases, may act in the same capacity. 6/

2. Compiled Laws (1929), Sec. 10071.

3. Laws (1931), Ch. 153, Sec. 4.

4. Ibid, Sec. 6.

5. Compiled Laws (1929), Sec. 5538-F.

It shall then be the duty of the Superintendent of the School and Home and the Board of Charities and Corrections to examine and investigate, and if a majority of them think it proper, to have the operation of vasectomy or ligation of the fallopian tubes performed. Notice must be given that the operation will take place and if objection is made, a hearing will be given before the State Commission for Control of the Feeble-minded, from which an appeal can be taken to the circuit court.

6. Compiled Laws (1929), Sec. 10066.

2. Composition and Appointment of Governing Body (Cont'd)

Members of the Board, except the County Judge and State's Attorney, are allowed \$4 per day employed. The physician, as a member of the Board, is allowed in addition, \$2 for each case examined. All members of the Board are allowed mileage at 10¢ per mile and other necessary actual expenses incurred in the performance of their duties as members of the Board. 7/

The State's Attorney is elected at the general county election 8/, and in counties of less than 2,000 population, is paid \$800 per annum; in counties of 2,000, \$1,000 per annum, and for each additional 1,000 population, or a major fraction thereof, an increase of \$40; but in no county is the salary to exceed \$2,500 per annum. 9/

The County Judge is elected for 2~~0~~ years. 10/ He receives compensation varying from \$700 in counties with a population of \$2,000 or less 11/, to \$3,800 in counties of 40,000 or more. 12/

3. Reports

The Chairman must file in the office of the Clerk of Courts, all papers connected with any inquest of the Board. It is the duty of the Clerk of Courts to keep separate books in which to record the proceedings of the Board, which records must show a complete record of the findings, orders and transactions of the Board. 13/

4. Executive

County Judge is Chairman of the Board. 14/

5. Staff

No provision.

6. Financial Provisions

The expenses of the County Board of Commissioners of the Insane are met by appropriations from the State Treasury and from the "Insane Funds" of the County Treasury. 15/

Expense of transportation of insane persons to a hospital, when approved by the Board of Charities and Corrections, are paid out of the State Treasury. 15/

Compensation and expenses are allowed and paid out of the "Insane Funds" of the County Treasury and if there is not a sufficient amount therein, it may be paid out of the general fund. 7/

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7. Compiled Laws (1929), Sec. 10087.
 8. Ibid, Sec. 5997.
 9. Ibid, Sec. 6006.
 10. Constitution, Art. 5, Sec. 19.
 11. Compiled Laws (1929), Sec. 5202.
 12. Ibid, Sec. 5202-A.
 13. Ibid, Sec. 10068.
 14. Ibid, Sec. 10066.
 15. Ibid, Sec. 10075.

COUNTY CHILD WELFARE BOARD

(Statutory Body)

1. General Powers and Duties

(a) Child Welfare Board must perform such duties as may be required of it by said State Child Welfare Commission and act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, and social conditions generally. 1/

(b) In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of said cities may make such arrangements with the County Commissioners to consolidate the work under the authority and supervision of the County Child Welfare Board as may be mutually agreed upon with such division of expenses as may be equitable. 2/

2. Composition and Appointment of Governing Body

The State Child Welfare Commission must appoint in each county 2 persons resident therein, at least one of whom must be a woman, to serve without compensation except as may be agreed upon by the County Commissioners for 2 years, and who together with the County Superintendent of Schools, the County Superintendent of Health, and the County Judge, constitute a Child Welfare Board for the County, which selects its own chairman. 3/

3. Reports

The County Welfare Board must make such visitations and reports as the State Commission may request. 1/

4-5. Executive and Staff

The County Child Welfare Board may appoint from their number or otherwise a secretary, and all necessary assistants, who shall receive from the county such salaries as may be fixed by the County Child Welfare Board with the approval of the County Commissioners. 1/

6. Financial Provisions

County general fund. 1/

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1. Compiled Laws (1929), Sec. 10004-B.
 2. Ibid, Sec. 10004-C.
 3. Ibid, Sec. 10004-A.

COUNTY WELFARE BOARD

(Statutory Body)

1. General Powers and Duties

(a) The County Welfare Board has general charge of the administration of relief funds made available by the State Welfare Department. 1/

(b) If so designated by the Board of County Commissioners, the County Welfare Board must act as the agent of such commission in the administration of county poor funds. 1/

(c) The County Welfare Board must prevent as far as possible, duplications of county, State or Federal relief aid. 1/

(d) The County Welfare Board must review allowances made to any applicant and must hear and consider complaints of such person. 1/

(e) The County Welfare Board constitutes an advisory board to which the State Public Welfare Commission and the State Welfare Commissioner may refer in matters pertaining to activities within the county for investigation and report. 1/

(f) The County Welfare Board must see that the provisions of this law requiring uniform allowances, in accordance with schedules to be published by the State Department of Public Welfare, are properly administered within the county. 1/

2. Composition and Appointment of Governing Body

There is appointed in each county of the State a county welfare board which consists of one member of the Board of County Commissioners to be selected by the Board annually at its first meeting in January of each year, the county judge and 3 citizens of the county to be nominated by the Board of County Commissioners and confirmed by the State Public Welfare Commission. The members of the Board receive no compensation except their actual expenses for attending meetings, which are paid by the county out of its general fund. 2/

3. Reports - Executive - Staff

No provision.

4. Financial Provisions

County general fund responsible. 2/

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1. Laws (1935), S. B. 170, Sec. 6.
 2. Ibid, Sec. 3 (c).

COUNTY COURT

(Constitutional Body)

1. General Powers and Duties

(a) Jurisdiction in Insanity Proceedings:

(1) When it is represented to any county court, upon verified petition of a relative or friend, that any person is insane or mentally incompetent, the judge must cause notice of hearing to be given such person 1/, and a full examination to be made. 2/ If the person is found incompetent the court must appoint a guardian. 2/

(2) Any person declared insane or his guardian or relative, may petition the county court in which he was so declared to have the fact of his restoration of capacity declared. 3/

(b) Jurisdiction in Proceedings Regarding Dependent Children:

(1) The County Court has original jurisdiction in all proceedings in regard to dependent, neglected or delinquent children. 4/

(2) The County Court when exercising this jurisdiction is, for convenience, called the Juvenile Court and a separate record is kept called the Juvenile Record. 5/

(a) Upon filing of petition the judge or clerk issues notice to the custodian of the child. 6/

(b) The County Judge issues a summons or citation to require the person having custody of the child to appear, and failure to appear is a contempt of court. 7/

(c) The court, where a child is not represented, may appoint some suitable person to act on behalf of the child. 7/

(d) Pending disposition of the case, the court may continue the case and allow the child to remain with its custodian or in its own home, subject to the friendly visitation of a probation officer, or the child may be put in the custody of a probation officer or other person, or in a place provided by the city or county authorities. 7/

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1. Compiled Laws (1929), Sec. 3505.
 2. Ibid, Sec. 3506.
 3. Ibid, Sec. 3508, as amended by Laws (1935), Ch. 131.
 4. Compiled Laws (1929), Sec. 9973.
 5. Ibid, Sec. 9974.
 6. Ibid, Sec. 9977.
 7. Ibid, Sec. 9980.

1. General Powers and Duties (Cont'd)(b) Jurisdiction in Proceedings Regarding Dependent Children: (Cont'd)

(e) When a child is committed to an institution or association, the County Court must appoint the president, secretary or superintendent as the guardian of the person of such child. 8/

(f) A guardianship continues until the County Court directs otherwise, but not after such child reaches the age of 21 years. 8/

(g) Any such child or person interested may apply to the Court for the appointment of a new guardian, restoration to its parents or discharge of the guardian. 9/

(h) Upon the trial or hearings in these cases, the Court must exclude the general public. 10/

(i) The Court on its own writing may order a jury of 6 to try such cases. 11/

(c) Jurisdiction in Regard to Soldiers' and Sailors' Relief:

(1) The County Judge upon notice must appoint a suitable person to take care of the burial of any soldier, sailor, marine or aviator dying within the county. The County Judge must immediately notify the Secretary of War, furnishing the name, age, date of birth, date of death, company, regiment, and name of organization in which he served, and request a headstone. 12/

(d) Jurisdiction Regarding Deaf and Blind:

(1) When complaint is made by any person that any resident deaf or blind person of proper age is being deprived of proper education, by refusal or neglect of his parents, guardian or custodian, the County Judge must summon such parents, guardian or custodian, summon and examine witnesses, and, in his discretion, order such deaf or blind person sent to some public or private school for the education of the deaf or blind. 13/

(a) If in the judgment of the County Judge the parents, guardian or custodian are properly chargeable with the expense of transportation to such institution and are financially able to pay it, the County Judge must order them to defray such expense. 14/

8. Compiled Laws (1929), Sec. 9982.

9. Ibid, Sec. 9986.

10. Ibid, Sec. 9998.

11. Ibid, Sec. 10002.

12. Ibid, Sec. 9965.

13. Ibid, Sec. 5506.

14. Ibid, Sec. 5507.

1. General Powers and Duties (Cont'd)

(d) Jurisdiction Regarding Deaf and Blind: (Cont'd)

(b) Refusal or neglect to obey the order of the County Judge is a contempt of court. 15/

(e) Jurisdiction Regarding Aid to Dependent Children in Their Own Homes:

(1) The County Court, upon verified petition provides for allowances to mothers to care for dependent children at home. 16/

(a) The County Court holds hearings to examine into the facts of the case. 16/

(b) The County Judge may, in his discretion, at any time before a child reaches 16 years of age, discontinue or modify the allowance to any mother for such child. 17/

(c) If the fund at the disposal of the court is insufficient to care for all cases, the County Judge, in his discretion, may select the cases in most urgent need. 18/

(f) Jurisdiction Regarding Tubercular Patients:

(1) The County Court determines residence and financial responsibility of patients making application for admission to the State Tuberculosis Hospital. 19/

2. Composition and Appointment of Governing Body

A County Judge is elected for each organized county for a term of 2-years. 20/

A County Judge must be learned in the law, at least 25 years of age, a citizen of the United States, have resided in the State at least one year next preceding his election, and at the time of his election he must be a resident of the county for which he is elected. 21/

15. Compiled Laws (1929), Sec. 5508.

16. Ibid, Sec. 10024.

17. Ibid, Sec. 10025.

18. Ibid, Sec. 10026.

19. Ibid, Sec. 5544, as amended by Laws (1931), Ch. 246.

20. Compiled Laws (1929), Sec. 5196, and Constitution, Art. 5, Sec. 19.

21. Constitution, Art. 5, Sec. 20.

2. Composition and Appointment of Governing Body (Cont'd)

The County Judges may receive such fees as may be allowed under the land laws of the United States 22/, in addition to a salary which varies with the population of the county from \$700 a year in counties of 2,000 or less, to \$3,800 in counties of 40,000 or more. 23/ A County Judge receives \$100 a year more for each unorganized county attached to the county of his jurisdiction. 24/

3. Reports

No provision.

4. Executive

See "Composition and Appointment of Governing Body", supra.

5. Staff

The clerk of the circuit court in each organized county is also the clerk of the county court and is elected by the qualified electors. 25/

His salary is regulated and fixed by the population of the county as shown by the last Federal Census 26/, ranging from \$1,000 for first 1,000 population to \$2,500 where population is 25,000 or more. 27/

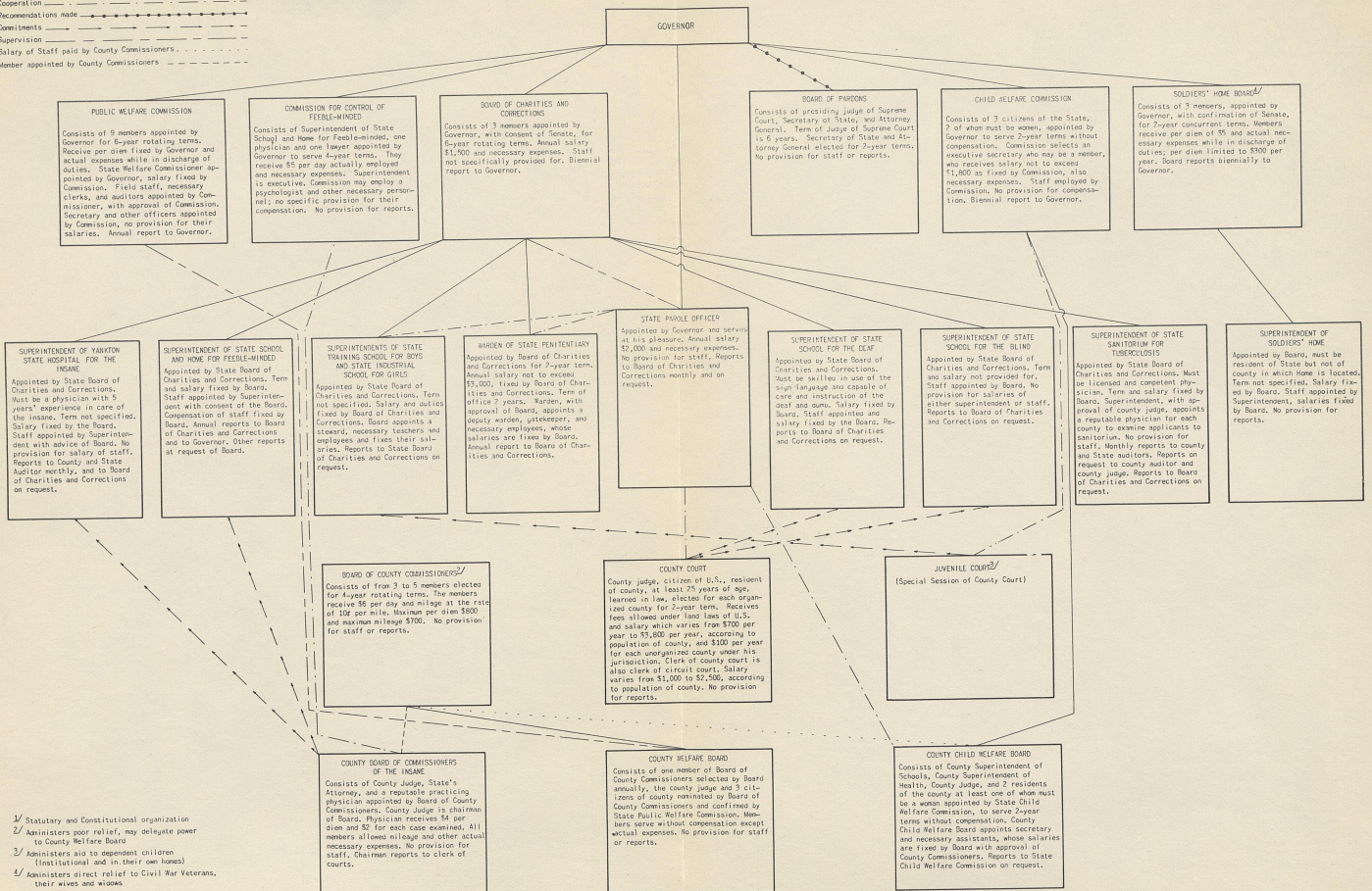
6. Financial Provisions

The Board of County Commissioners levies the necessary taxes to pay expenses for general county purposes, support of poor, support of insane and salaries, based on itemized estimate of county expenses for ensuing year. Amount of levy must be no greater than will equal amount of expenses plus 5%. 28/

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22. Constitution, Art. 5, Sec. 30.
23. Compiled Laws (1929), Sec. 5202, 5202-A.
24. Ibid, Sec. 5203.
25. Constitution, Art. 5, Sec. 32.
26. Compiled Laws (1929), Sec. 5819.
27. Ibid, Sec. 5820.
28. Ibid, Sec. 6749.

SOUTH DAKOTA PUBLIC WELFARE AGENCIES / JANUARY 1, 1936

Actual Control _____
 Cooperation - - - - -
 Recommendations made - - - - -
 Comments _____
 Supervision _____
 Salary of Staff paid by County Commissioners _____
 Member appointed by County Commissioners _____



✓ Statutory and Constitutional organization
 ✓ administers poor relief, may delegate power to County Welfare Board
 ✓ administers aid to dependent children (institutional and in their own homes)
 ✓ administers direct relief to Civil War Veterans, their wives and widows

