



2023 South Dakota Legislature

House Bill 1037

Introduced by: The Committee on Military and Veterans Affairs at the request of the Department of Veterans Affairs

1 **An Act to amend the eligibility for admission to the state veterans' home and repeal**
 2 **the residency requirement.**

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

4 **Section 1. That § 33A-4-25 be AMENDED:**

5 **33A-4-25.** Any ~~A~~ veteran, as defined by § 33A-2-1, is eligible for admission to the
 6 state veterans home if the veteran: ~~who has an honorable discharge, who has maintained~~
 7 ~~a residence in the state at any time in the five years preceding the date of the application,~~
 8 ~~and who has no income in excess of one thousand dollars per year above the maximum~~
 9 ~~income limitation for pension benefits as determined by the United States Department of~~
 10 ~~Veterans Affairs, is eligible for admission to the State Veterans' Home~~

11 (1) Is eligible for per diem payment for domiciliary care or nursing home care in a state
 12 veterans home;

13 (2) Has no adequate means of support, as determined by the United States
 14 Department of Veterans Affairs; or

15 (3) Has a rating of total disability as defined by the United States Department of
 16 Veterans Affairs for pension and compensation purposes.

17 A veteran who was domiciled in the state at any time in the five years preceding
 18 the date of application must receive preference for admission. ~~For the purposes of this~~
 19 ~~section, a residence is a physical structure in which a person resides and the term does~~
 20 ~~not include a post office box or address of another mail service purchased by the veteran.~~
 21 ~~A veteran who meets the residence requirements and has a rating of total disability as~~
 22 ~~defined by the United States Department of Veterans Affairs for pension and compensation~~
 23 ~~purposes is also eligible for admission.~~

24 Membership~~Residency~~ status at the State Veterans' Home is not affected because
 25 of a medical leave of absence either in a United States Department of Veterans Affairs

- 1 facility or other hospital. ~~Any veteran who is an enrolled member of a federally recognized~~
- 2 ~~Indian tribe located wholly or partially in the state meets the residency requirement.~~