

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

525U0707

HOUSE BILL NO. 1221

Introduced by: Representatives Nelson, Bartling, Bolin, Cammack, Campbell, Carson, Conzet, Craig, Cronin, Dryden, Duvall, Ecklund, Erickson, Feickert, Feinstein, Gibson, Gosch, Greenfield, Haggar (Don), Haggar (Jenna), Hajek, Hansen, Hawks, Hawley, Heinemann (Leslie), Heinert, Hickey, Hoffman, Hunhoff (Bernie), Johns, Kaiser, Killer, Kirschman, Kopp, Latterell, Lust, Magstadt, May, Mickelson, Miller, Munsterman, Novstrup (David), Olson (Betty), Otten (Herman), Parsley, Peterson, Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum, Russell, Schaefer, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Steele, Stevens, Tulson, Tyler, Verchio, Werner, Westra, Wick, Wink, and Wismer and Senators Van Gerpen, Adelstein, Begalka, Bradford, Brown, Ewing, Frerichs, Heineman (Phyllis), Jensen, Johnston, Jones, Kirkeby, Lederman, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Rampelberg, Rave, Rhoden, Soholt, Sutton, Tidemann, Vehle, Welke, and White

1 FOR AN ACT ENTITLED, An Act to provide for the establishment and maintenance of a state
2 veterans and public servants cemetery and memorial park.

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

4 Section 1. The Department of Game, Fish and Parks shall, before July 1, 2017, establish a
5 state veterans and public servants cemetery and memorial park east of the Missouri River on
6 land that is owned or acquired by the state. The Governor, pursuant to § 5-24-12, may accept,
7 on behalf of the State of South Dakota, the transfer of land for purposes of establishing the
8 facility. The department may accept suitable property from the United States government, any
9 political subdivision of the state, private sources, and any other source desiring to transfer land



1 for such a facility. The department may apply to any agency of the United States government
2 for federal financial assistance or other assistance for the purpose of establishing, developing,
3 operating, or maintaining the park facility.

4 Section 2. The Department of Game, Fish and Parks may enter into agreements for the
5 development, construction, administration, operation, or maintenance of the facility authorized
6 in section 1 of this Act with qualified persons, political subdivisions, federal or state agencies,
7 or business entities. The department, in cooperation with the Department of Veterans Affairs,
8 shall operate, maintain, supervise, and control the facility established under this section.

9 Any portion of the property acquired for the facility that is not yet used or needed for
10 cemetery purposes shall be maintained as a game refuge subject to the provisions of chapter
11 41-5.

12 Section 3. Any person who is eligible for burial in a national veterans cemetery is eligible
13 for burial in the state veterans and public servants cemetery and memorial park if the person
14 meets residency requirements promulgated in rules by the Department of Veterans Affairs
15 pursuant to chapter 1-26. Any person who is a retired state employee or was employed as a state
16 employee for at least five consecutive years immediately preceding the employee's time of
17 death, and any state legislator or other elected state official is eligible for burial in the state
18 veterans and public servants cemetery and memorial park. Any person, or survivor of a person,
19 eligible for interment in the state veterans and public servants cemetery and memorial park may
20 apply for a burial plot for the eligible person by submitting a request to the Department of
21 Veterans Affairs on a form supplied by the department. The department shall allot plots on a
22 first-come, first-served basis.

23 Section 4. The Department of Veterans Affairs shall promulgate rules pursuant to chapter
24 1-26 to establish criteria and standards for burial in the state veterans and public servants

1 cemetery and memorial park established pursuant to this Act. Costs of interment shall be borne
2 by the family or next of kin of the person being interred. The rules may provide for the burial
3 of indigent persons at state expense. The rules shall include requirements for proof of residency,
4 requirements and procedures governing burial in the facility, applications for burial, cost of
5 burial if any, and standards for the cemetery, including standards for decorations, headstones,
6 and other aesthetic, administrative, and operational requirements for the facility.

7 Section 5. There is hereby created the state veterans and public servants cemetery and
8 memorial park operation fund. Money in the fund shall be used for the development,
9 construction, operation, administration, maintenance, and improvement of the state veterans and
10 public servants cemetery and memorial park. Any money in the fund available for investment
11 shall be invested by the state investment officer and deposited in the fund. The fund consists of
12 appropriations, gifts, bequests, donations, grants, or contributions from private or public
13 sources, including federal grant funds, funding from political subdivisions of the state, federal
14 plot allowance payments, receipts for burial fees, other cemetery receipts, and funds from any
15 other legal source. Any money in the fund shall be budgeted and expended in accordance with
16 chapters 4-7, 4-8, 4-8A, and 4-8B.