

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0153

SENATE ENGROSSED NO. **SB 34** - 01/23/2015

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the administration
2 of benefits provided to veterans and to declare an emergency.

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

4 Section 1. That § 33A-1-1 be amended to read as follows:

5 33A-1-1. For the purposes of this chapter, a veteran is a person who meets the provisions
6 of § 33A-2-1 ~~and who was a legal resident of South Dakota at the time of entry into service or~~
7 ~~who, following discharge, has been a resident of this state for one year. However, a nonresident~~
8 ~~in this state is entitled to any benefits available in this state to a South Dakota resident under the~~
9 ~~same conditions.~~

10 Section 2. That § 33A-1-8 be amended to read as follows:

11 33A-1-8. The ~~commission~~ Department of Veterans Affairs may promulgate rules, pursuant
12 to chapter 1-26, to:

13 (1) Provide procedures and standards for department personnel to act as agents for
14 veterans pursuant to § 33A-1-13;

15 (2) Provide procedures to maintain records to protect the rights of disabled veterans and



1 their dependents pursuant to § 33A-1-14;

2 (3) Provide procedures and standards for cooperation and administration of burial of
3 veterans pursuant to § 33A-1-15;

4 (4) Provide procedures and requirements to assist in securing veterans' benefits and to
5 train county and tribal veterans service officers to provide such assistance pursuant
6 to § 33A-1-16; and

7 (5) Provide procedures for investigations pursuant to § 33A-1-20.

8 Section 3. That § 33A-1-24 be amended to read as follows:

9 33A-1-24. Each county veterans' service officer shall provide, within the county or counties
10 employing the officer, local contact between fieldmen of the Department of Veterans Affairs
11 and persons in the armed service or those discharged from such service, and the dependents of
12 such persons. The county veteran's service officer shall aid or assist volunteer service officers
13 in securing evidence and perfecting claims; advise those in the armed service and veterans or
14 their dependents of benefits available to them; and aid them in completing required forms and
15 complying with regulations. The county veteran's service officer works under the ~~supervision~~
16 ~~and~~ direction of the Department of Veterans Affairs.

17 Section 4. That § 33A-2-8 be amended to read as follows:

18 33A-2-8. The provisions of subdivision 43-28-2(7) apply to certificates of discharge of all
19 persons who are veterans as defined in § 33A-2-1. The certificates shall be recorded without
20 charge and certified copies shall be furnished to the persons named therein or their dependents
21 without charge if requested for the purpose of presenting or prosecuting claims for
22 compensation or pension. Otherwise, a discharge document recorded by the recorder or a
23 designated official may be made available only to the veteran, the veteran's parents, the veteran's
24 next of kin, the veteran's legal representative, a county veterans service officer, a nationally

1 accredited veterans' organization service officer, the Department of Veterans Affairs, or the
2 veteran's designee. Any person requesting a discharge document shall complete a form
3 containing a statement specifying the person's eligibility to receive the document based upon
4 this section. The Department of Veterans Affairs shall provide such forms to each county
5 register of deeds.

6 Section 5. That § 33A-2-25 be amended to read as follows:

7 33A-2-25. The ~~commission~~ Department of Veterans Affairs shall promulgate rules, pursuant
8 to chapter 1-26, to define and provide for eligibility criteria, administration, and method of
9 payment of the bonus created ~~in~~ pursuant to the provisions of §§ 33A-2-10 to 33A-2-33,
10 inclusive.

11 Section 6. That § 33A-4-25 be amended to read as follows:

12 33A-4-25. Any ~~wartime~~ veteran as defined by ~~§ 33A-2-2~~ § 33A-2-1, who has an honorable
13 discharge, who has maintained a residence in the state at any time in the five years preceding
14 the date of the application, and who has no income in excess of one thousand dollars per year
15 above the maximum income limitation for pension benefits as determined by the United States
16 Department of Veterans Affairs, is eligible for admission to the State Veterans' Home. For the
17 purposes of this section, a residence is a physical structure in which a person resides and the
18 term does not include a post office box or address of another mail service purchased by the
19 veteran. A ~~war~~ veteran who meets the residence requirements and has a rating of total disability
20 as defined by the United States Department of Veterans Affairs for pension and compensation
21 purposes is also eligible for admission. Membership status at the State Veterans' Home is not
22 affected because of a medical leave of absence either in a United States Department of Veterans
23 Affairs facility or other hospital. ~~A veteran who has honorably served in a South Dakota~~
24 ~~regiment during a wartime period meets the residency requirement.~~ Any veteran who is an

1 enrolled member of a federally recognized Indian tribe located wholly or partially in the state
2 meets the residency requirement.

3 Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,
4 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
5 effect from and after its passage and approval.