

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

400Z0358

HOUSE BILL NO. 1009

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 regarding the administration of
2 benefits provided to veterans.

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

4 Section 1. That § 32-12-17.15 be amended to read:

5 32-12-17.15. A designation that the licensee or card holder is a veteran shall be indicated
6 on the license, permit, or nondriver identification card issued pursuant to this chapter if the
7 licensee or card holder:

8 (1) Is an honorably discharged veteran having served in the armed forces of the United
9 States;

10 (2) Has requested the designation on the license, permit, or nondriver identification card;
11 and

12 (3) Has provided proof of the veteran's military service and honorable discharge by
13 submitting the U.S. military DD Form 214, DD Form 2 (Retired), DD Form 2A
14 (Reserve Retired), National Guard Form NGB 22, or a certificate signed by a county
15 veterans service officer on a form prescribed by the South Dakota Department of



Veterans Affairs.

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

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

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

~~(2) Provide procedures to maintain records to protect the rights of disabled veterans and their dependents pursuant to § 33A-1-14;~~

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

~~(4)~~(3) Provide procedures and requirements to assist in securing veterans' benefits and to train county and tribal veterans service officers to provide such assistance pursuant to § 33A-1-16; and

~~(5)~~(4) Provide procedures for investigations pursuant to § 33A-1-20.

Section 3. That § 33A-2-8 be amended to read:

33A-2-8. The provisions of subdivision 43-28-2(7) apply to ~~certificates~~ any certificate of discharge of ~~all persons who are veterans~~ any person who is a veteran as defined in § 33A-2-1. The ~~certificates~~ certificate shall be recorded without charge and ~~a certified copies~~ copy of each version of the veteran's discharge, excluding any copy that does not reflect the veteran's character of discharge, shall be furnished to the ~~persons~~ person named ~~therein or their~~ in the certificate or the person's dependents without charge if requested for the purpose of presenting or prosecuting ~~claims~~ a claim for compensation or pension. Otherwise, a discharge document recorded by the recorder or a designated official may be made available only to the veteran, the veteran's parents, the veteran's next of kin, the veteran's legal representative, a county veterans

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

6 Section 4. That § 33A-2-14 be amended to read:

7 33A-2-14. Any person who served in the National Guard or reserve ~~personnel and~~ who ~~put~~
8 ~~in periods~~ served a period of active duty for training in the federal forces may not be included
9 among the beneficiaries of §§ 33A-2-10 to 33A-2-33, inclusive, unless ~~they were~~ the person was
10 called for further active duty. If ~~they were~~ the person was called for further active duty ~~they are,~~
11 the person is eligible for the bonus for the time so served and for the time spent in active duty
12 for training if that time was within the eligible period fixed in § 33A-2-13. However, the
13 ~~commission~~ department may promulgate rules, pursuant to chapter 1-26, to specify special
14 circumstances under which service by a person who served in the National Guard or reserve
15 ~~personnel~~ in a training or active duty status may qualify for the bonus if ~~such~~ the service
16 involved participation in or direct support of military operations or activities that would qualify
17 for benefits under § 33A-2-13.

18 Section 5. That § 33A-2-15 be amended to read:

19 33A-2-15. Any bonus earned pursuant to § 33A-2-13 that is based on qualifying service
20 during the period September 11, 2001, to a date to be determined by the ~~South Dakota~~
21 Legislature, shall be paid at the rate of one hundred dollars for the first month and twenty dollars
22 for each subsequent month of active duty in the armed forces during such period, to a maximum
23 bonus of two hundred forty dollars. However, any person who qualifies for a bonus pursuant to
24 § 33A-2-13 and who has received or is eligible to receive, ~~based on service in the armed forces~~

1 ~~from January 1, 1993, to a date to be determined by the South Dakota Legislature, the southwest~~
2 ~~Asia service medal, the armed forces expeditionary medal, Kosovo campaign medal,~~
3 ~~Afghanistan campaign medal, Iraq campaign medal, global war on terrorism expeditionary~~
4 ~~medal, global war on terrorism service medal, or other a~~ United States campaign or service
5 medal awarded for participation outside the boundaries of the United States in combat
6 operations against hostile forces, shall, for the time served in one or more such areas qualifying
7 for any of the medals listed in this section, be paid one hundred fifty dollars for the first month
8 and fifty dollars for each subsequent month of such service, up to a maximum bonus, together
9 with any payments pursuant to this section for service not qualifying for any such medal, of five
10 hundred dollars.

11 Section 6. That § 33A-2-21 be amended to read:

12 33A-2-21. The ~~South Dakota~~ Legislature finds and declares the bonus provided under
13 §§ 33A-2-10 to 33A-2-33, inclusive, shall be paid as soon as this state has adequate and
14 sufficient funds to do so. There are hereby authorized such sums of money as are necessary to
15 pay the bonus; and ~~all administrative expenses of the commission in connection with payment~~
16 ~~of the bonus~~, to be appropriated by subsequent sessions of ~~this~~ the Legislature or to be otherwise
17 paid as provided by law.

18 Section 7. That § 33A-2-24 be amended to read:

19 33A-2-24. In case of the death of any person after ~~July 1, 1969~~ August 2, 1990, who would,
20 if alive, be entitled to benefits under §§ 33A-2-10 to 33A-2-33, inclusive, the bonus shall be
21 paid to the person's dependents, if any. If there is more than one dependent, payment shall be
22 made in a proportion determined by the ~~commission and in the order of preference as follows:~~
23 ~~wife or husband, children, mother, father, foster mother, and foster father~~ secretary.

24 Section 8. That § 33A-2-35 be amended to read:

33A-2-35. The Department of Veterans Affairs shall ~~implement a homeless veterans initiative program. In implementing the program, the state shall attempt to coordinate with, provide assistance to, and seek assistance from the United States Department of Veterans Affairs and other agencies for the purpose of establishing and administering a comprehensive, integrated, and coordinated program for homeless veterans. The purpose of the program is to:~~

~~—(1)— Seek federal funding and grants to implement the program and to improve and expand current services for homeless veterans;~~

~~—(2)— Emphasize training of county veterans service officers and tribal veterans service officers to seek out and identify homeless veterans and provide them with information, assistance, and proper referrals; and~~

~~—(3)— Coordinate with the United States Department of Veterans Affairs and other agencies in an ongoing needs assessment and evaluation of the program work with federal officials and any organization or consortium to develop a program or initiative for homeless veterans. The department shall encourage county and tribal veterans service officers to participate in a veterans homeless program or initiative.~~

Section 9. That § 33A-4-23 be amended to read:

33A-4-23. Any member of the State Veterans' Home who ~~receives a pension or compensation and who has~~ is determined to have a dependent spouse or minor child shall ~~deposit with the superintendent immediately on receipt of the pension or compensation check one-half of the amount. The amount deposited with~~ allow for one-half of the member's total gross income to be paid to the dependent spouse or minor child. If the superintendent shall be sent at once to the spouse if the spouse is dependent upon the spouse's own labor or others for support, or, if there is no spouse, to the conservator of the minor children if dependent upon others for support. The superintendent, if satisfied that determines the member's spouse has

1 ~~deserted the member, or is of bad character~~ not supporting the best interest of the member, or
2 ~~is not dependent upon others for support, may pay the money deposited as provided in this~~
3 ~~section to the guardian or conservator of the dependent minor children~~ the support of the
4 member, the superintendent shall remove this allowance.

5 Section 10. That § 33A-5-2 be amended to read:

6 33A-5-2. The state shall pay a sum not to exceed one hundred dollars for the burial of a
7 veteran. Any veteran as defined by § 33A-2-1 or the veteran's spouse shall be buried at the
8 expense of the state if:

- 9 (1) The veteran was a citizen of the United States and a resident of South Dakota for one
10 year preceding the veteran's entrance into military service or preceding the veteran's
11 death;
- 12 (2) The veteran's estate or the estate of the veteran's spouse, whether living or deceased,
13 or the immediate family or relatives of the veteran or the veteran's spouse are unable
14 to defray the expenses of the veteran's or the veteran's spouse's funeral; and
- 15 (3) The surviving spouse or relatives of the deceased veteran furnish an affidavit
16 acceptable to the county or tribal veterans' service officer or field officer of the
17 Department of Veterans Affairs that the estate of the decedent or of his or her
18 surviving spouse is not sufficient to defray the funeral expenses.

19 A claim for payment or reimbursement of the burial shall be filed or presented to the
20 Department of Veterans Affairs within one year of the date of the burial.

21 Section 11. That § 33A-5-3 be repealed.

22 ~~33A-5-3. The state shall pay for burial and funeral expenses, including cost of burial lot, a~~
23 ~~sum not exceeding one hundred dollars. No payment or reimbursement for burial and funeral~~
24 ~~expenses may be allowed unless a claim for the payment or reimbursement is filed or presented~~

1 ~~to the Department of Veterans Affairs within one year after the date of the burial.~~