

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

390H0639

## HOUSE CONCURRENT RESOLUTION NO. 1009

Introduced by: Representatives Smidt, Adelstein, Bradford, Brown (Jarvis), Brown (Richard), Burg, Duenwald, Duniphan, Eccarius, Garnos, Hansen (Tom), Heineman, Jaspers, Juhnke, Konold, Lange, Michels, Pederson (Gordon), Peterson (Bill), Pitts, Pummel, Sebert, Slaughter, Solum, Van Gerpen, and Wick and Senators Brown (Arnold), Brosz, Dennert, Diedrich (Larry), Duxbury, Greenfield, Munson, and Putnam

1 A CONCURRENT RESOLUTION, Urging congressional approval of military retirement pay  
2 and veterans' disability compensation.

3 WHEREAS, Title 38, United States Code, prohibits the concurrent receipt of both military  
4 retirement pay for longevity from the Department of Defense and disability compensation from  
5 the Department of Veterans Affairs; and

6 WHEREAS, current retirees and those currently in the military who choose to make the  
7 military a career should not be burdened with lifelong financial penalties on top of their service-  
8 connected disabilities; and

9 WHEREAS, veterans retired from military service based on longevity are required to waive  
10 from their military retirement pay an amount equal to compensation paid by the Department of  
11 Veterans Affairs for service-connected disability; and

12 WHEREAS, military retirees are the only federal personnel required to do so; and

13 WHEREAS, the Legislature of the State of South Dakota believes that it is unfair to prohibit



1 military retirees from receiving both retirement pay and disability compensation; and

2 WHEREAS, all the major veteran service organizations in South Dakota advocate legislation

3 to permit concurrent receipt:

4 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-

5 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the South

6 Dakota Legislature strongly urges and advocates the passing of legislation by the Congress to

7 permit the concurrent receipt of longevity military retirement pay and disability compensation

8 without offset from either department.