

AN ACT

ENTITLED, An Act to revise certain provisions regarding the administration of benefits provided to veterans.

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

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

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

- (1) Is an honorably discharged veteran having served in the armed forces of the United States;
- (2) Has requested the designation on the license, permit, or nondriver identification card; and
- (3) Has provided proof of the veteran's military service and honorable discharge by submitting the U.S. military DD Form 214, DD Form 2 (Retired), DD Form 2A (Reserve Retired), National Guard Form NGB 22, or a certificate signed by a county 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 and standards for cooperation and administration of burial of veterans pursuant to § 33A-1-15;
- (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

(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 any certificate of discharge of any person who is a veteran as defined in § 33A-2-1. The certificate shall be recorded without charge and a certified 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 person named in the certificate or the person's dependents without charge if requested for the purpose of presenting or prosecuting 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 service officer, a nationally accredited veterans' organization service officer, the Department of Veterans Affairs, or the veteran's designee. Any person requesting a discharge document shall complete a form containing a statement specifying the person's eligibility to receive the document based upon this section. The Department of Veterans Affairs shall provide the forms to each county register of deeds.

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

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

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

33A-2-15. Any bonus earned pursuant to § 33A-2-13 that is based on qualifying service during the period September 11, 2001, to a date to be determined by the Legislature, shall be paid at the rate of one hundred dollars for the first month and twenty dollars for each subsequent month of active duty in the armed forces during such period, to a maximum bonus of two hundred forty dollars. However, any person who qualifies for a bonus pursuant to § 33A-2-13 and who has received or is eligible to receive a United States campaign or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces, shall, for the time served in one or more such areas qualifying for any of the medals listed in this section, be paid one hundred fifty dollars for the first month and fifty dollars for each subsequent month of such service, up to a maximum bonus, together with any payments pursuant to this section for service not qualifying for any such medal, of five hundred dollars.

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

33A-2-21. The Legislature finds and declares the bonus provided under §§ 33A-2-10 to 33A-2-33, inclusive, shall be paid as soon as this state has adequate and sufficient funds to do so. There are hereby authorized such sums of money as are necessary to pay the bonus and to be appropriated by subsequent sessions of the Legislature or to be otherwise paid as provided by law.

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

33A-2-24. In case of the death of any person after August 2, 1990, who would, if alive, be entitled to benefits under §§ 33A-2-10 to 33A-2-33, inclusive, the bonus shall be paid to the person's dependents, if any. If there is more than one dependent, payment shall be made in a proportion determined by the secretary.

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

33A-2-35. The Department of Veterans Affairs shall 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 is determined to have a dependent spouse or minor child shall allow for one-half of the member's total gross income to be paid to the dependent spouse or minor child. If the superintendent determines the member's spouse has deserted the member, or is not supporting the best interest of the member, or is not dependent upon the support of the member, the superintendent shall remove this allowance.

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

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

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

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

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

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1009

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1009

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State