



2023 South Dakota Legislature

House Bill 1037

HOUSE ENGROSSED

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

1 **An Act to amend the eligibility for admission to the state veterans' home and repeal**
 2 **the residency requirement.**

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

4 **Section 1. That § 33A-4-25 be AMENDED:**

5 **33A-4-25.** Any ~~A~~ veteran, as defined by § 33A-2-1, is eligible for admission to the
 6 state veterans home if the veteran: ~~who has an honorable discharge, who has maintained~~
 7 ~~a residence in the state at any time in the five years preceding the date of the application,~~
 8 ~~and who has no income in excess of one thousand dollars per year above the maximum~~
 9 ~~income limitation for pension benefits as determined by the United States Department of~~
 10 ~~Veterans Affairs, is eligible for admission to the State Veterans' Home~~

11 (1) Is eligible for per diem payment for domiciliary care or nursing home care in a state
 12 veterans home;

13 (2) Has no adequate means of support, as determined by the United States
 14 Department of Veterans Affairs; or

15 (3) Has a rating of total disability as defined by the United States Department of
 16 Veterans Affairs for pension and compensation purposes.

17 A veteran who was domiciled in the state or in a federally recognized Tribe in this
 18 state at any time in the five years preceding the date of application must receive
 19 preference for admission. For the purposes of this section, a residence is a physical
 20 structure in which a person resides and the term does not include a post office box or
 21 address of another mail service purchased by the veteran. A veteran who meets the
 22 residence requirements and has a rating of total disability as defined by the United States
 23 Department of Veterans Affairs for pension and compensation purposes is also eligible for
 24 admission.

25 Membership~~Residency~~ status at the State Veterans' Home is not affected because
 26 of a medical leave of absence either in a United States Department of Veterans Affairs

- 1 facility or other hospital. ~~Any veteran who is an enrolled member of a federally recognized~~
- 2 ~~Indian tribe located wholly or partially in the state meets the residency requirement.~~