



2025 South Dakota Legislature

House Bill 1038

Introduced by: The Chair of the House Committee on Appropriations at the request of the Bureau of Finance and Management

1 **An Act to repeal provisions regarding the state payment for burial of veterans.**

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

3 **Section 1. That § 33A-2-1 be AMENDED:**

4 **33A-2-1.** For the purposes of all statutes relating to the rights, privileges,
 5 ceremonial recognition, exemptions, and benefits ~~(except a state bonus)~~ of veterans and
 6 their dependents, ~~the term, veteran,~~ of a veteran and a dependent of a veteran, "veteran,"
 7 means any ~~person~~ individual who:

- 8 (1) Has served the full obligation for active duty, reserve, or National Guard service in
 9 the military, or received an early discharge for a medical condition, hardship,
 10 reduction in force, or at the convenience of the military; and
 11 (2) Has been separated or discharged from ~~such~~ the service honorably or under
 12 honorable conditions.

13 For the purposes of this section, ~~the term, benefits,~~ includes veterans "benefits,"
 14 include a veteran designation on a driver license or identification card, ~~veterans license~~
 15 plates, veterans a veteran license plate, and a veteran's job preference, and burial benefits
 16 pursuant to § 33A-5-2 and exclude a state bonus.

17 **Section 2. That § 33A-5-2 be REPEALED.**

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

- 21 ~~(1) The veteran was a citizen of the United States and a resident of South Dakota for~~
 22 ~~one year preceding the veteran's entrance into military service or preceding the~~
 23 ~~veteran's death;~~

1 ~~(2) The veteran's estate or the estate of the veteran's spouse, whether living or~~
2 ~~deceased, or the immediate family or relatives of the veteran or the veteran's~~
3 ~~spouse are unable to defray the expenses of the veteran's or the veteran's spouse's~~
4 ~~funeral; and~~

5 ~~(3) The surviving spouse or relatives of the deceased veteran furnish an affidavit~~
6 ~~acceptable to the county or tribal veterans' service officer or field officer of the~~
7 ~~Department of Veterans Affairs that the estate of the decedent or of his or her~~
8 ~~surviving spouse is not sufficient to defray the funeral expenses.~~

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

11 **Section 3. That § 33A-5-4 be REPEALED.**

12 ~~If a headstone is provided by the United States government for the purpose of~~
13 ~~marking the grave of a veteran who had been a resident of South Dakota for one year~~
14 ~~preceding entrance into military service or preceding death or if a memorial headstone or~~
15 ~~marker is provided by the United States government to commemorate any member of the~~
16 ~~armed forces of the United States dying in the service, whose remains have not been~~
17 ~~recovered or identified or were buried at sea, the veterans' service officer or field officer~~
18 ~~shall cause the headstone or memorial headstone or marker to be erected. The expense~~
19 ~~of erecting the headstone or memorial headstone or marker must be paid by the state~~
20 ~~and may not exceed two hundred dollars. No payment for the expense is allowed unless~~
21 ~~a claim is filed with the Department of Veterans Affairs within one year of the date the~~
22 ~~headstone or memorial headstone or marker is erected.~~

23 ~~An individual responsible for the execution of the estate of a deceased veteran~~
24 ~~authorized to receive a headstone or memorial headstone or marker may elect to purchase~~
25 ~~a headstone at personal expense but may receive the one hundred dollar state stipend~~
26 ~~for erecting the headstone or memorial headstone or marker if the name, rank, branch of~~
27 ~~service, and dates of birth and death of the veteran are professionally etched on the~~
28 ~~backside of the headstone.~~

29 **Section 4. That § 33A-5-5 be REPEALED.**

30 ~~All public expenses incurred under the provisions of §§ 33A-5-2 and 33A-5-4, may~~
31 ~~only be approved, allowed, and certified by the county or tribal veterans service officer or~~
32 ~~employee of the Department of Veterans Affairs upon forms provided by the Department~~
33 ~~of Veterans Affairs. The county or tribal veterans service officer shall forward the forms to~~

1 ~~the Department of Veterans Affairs. The department shall certify and forward the forms~~
2 ~~to the state auditor.~~

3 ~~Upon receipt of the certified forms, the state auditor shall draw a warrant on the~~
4 ~~state treasurer in favor of the person or persons entitled to the payment for the amount~~
5 ~~specified on the forms.~~

6 **Section 5. That § 33A-5-6 be REPEALED.**

7 ~~There is hereby annually appropriated out of the money in the state treasury a~~
8 ~~sum sufficient to carry out the provisions of §§ 33A-5-2 to 33A-5-5, inclusive.~~