

AN ACT

ENTITLED, An Act to revise certain provisions concerning the administration of benefits provided to veterans and to declare an emergency.

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

Section 1. That § 33A-1-1 be amended to read as follows:

33A-1-1. For the purposes of this chapter, a veteran is a person who meets the provisions of § 33A-2-1.

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

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) 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) Provide procedures for investigations pursuant to § 33A-1-20.

Section 3. That § 33A-1-24 be amended to read as follows:

33A-1-24. Each county veterans' service officer shall provide, within the county or counties employing the officer, local contact between fieldmen of the Department of Veterans Affairs and persons in the armed service or those discharged from such service, and the dependents of such

persons. The county veteran's service officer shall aid or assist volunteer service officers in securing evidence and perfecting claims; advise those in the armed service and veterans or their dependents of benefits available to them; and aid them in completing required forms and complying with regulations. The county veteran's service officer works under the direction of the Department of Veterans Affairs.

Section 4. That § 33A-2-8 be amended to read as follows:

33A-2-8. The provisions of subdivision 43-28-2(7) apply to certificates of discharge of all persons who are veterans as defined in § 33A-2-1. The certificates shall be recorded without charge and certified copies shall be furnished to the persons named therein or their dependents without charge if requested for the purpose of presenting or prosecuting claims 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 such forms to each county register of deeds.

Section 5. That § 33A-2-25 be amended to read as follows:

33A-2-25. The Department of Veterans Affairs shall promulgate rules, pursuant to chapter 1-26, to define and provide for eligibility criteria, administration, and method of payment of the bonus created pursuant to the provisions of §§ 33A-2-10 to 33A-2-33, inclusive.

Section 6. That § 33A-4-25 be amended to read as follows:

33A-4-25. Any veteran as defined by § 33A-2-1, who has an honorable discharge, who has maintained a residence in the state at any time in the five years preceding the date of the application,

and who has no income in excess of one thousand dollars per year above the maximum income limitation for pension benefits as determined by the United States Department of Veterans Affairs, is eligible for admission to the State Veterans' Home. For the purposes of this section, a residence is a physical structure in which a person resides and the term does not include a post office box or address of another mail service purchased by the veteran. A veteran who meets the residence requirements and has a rating of total disability as defined by the United States Department of Veterans Affairs for pension and compensation purposes is also eligible for admission. Membership status at the State Veterans' Home is not affected because of a medical leave of absence either in a United States Department of Veterans Affairs facility or other hospital. Any veteran who is an enrolled member of a federally recognized Indian tribe located wholly or partially in the state meets the residency requirement.

Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

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I certify that the attached Act originated in the

SENATE as Bill No. 34

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 34
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