

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

711Q0697

HOUSE BILL NO. 1270

Introduced by: Representatives Peters, Burg, Carson, Deadrick, Juhnke, Putnam, Tidemann, Turbiville, and Wink and Senators Gant, Ahlers, Haverly, Hundstad, Hunhoff (Jean), Maher, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to redirect moneys in the veterans affairs special revenue
2 fund.

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

4 Section 1. That § 33-17-3 be repealed.

5 ~~—33-17-3. There is hereby continued in the state treasury a "veterans affairs division special~~
6 ~~revenue fund." Said fund shall be used for the purposes set forth in §§ 33-17-7 and 33-17-9.~~

7 Section 2. That § 33-17-4 be repealed.

8 ~~—33-17-4. Any amounts paid or contributed by the United States government or any agency~~
9 ~~thereof, by reason of or to compensate for the expenditures referred to in § 33-17-7, shall be~~
10 ~~paid into and be a part of the veterans affairs division special revenue fund.~~

11 Section 3. That § 33-17-5 be repealed.

12 ~~—33-17-5. Any repayment of loans and interest thereon, shall be receipted into the veterans~~
13 ~~affairs division special revenue fund and all moneys in said fund are hereby appropriated for the~~
14 ~~purposes provided for in §§ 33-17-7 and 33-17-9.~~



1 Section 4. That § 33-17-6 be repealed.

2 ~~—33-17-6. Disbursements from the veterans affairs division special revenue fund shall be~~
3 ~~made by warrants drawn by the state auditor upon vouchers approved by the director of the~~
4 ~~Division of Veterans Affairs.~~

5 Section 5. That § 33-17-7 be repealed.

6 ~~—33-17-7. The Legislature finds that the care of the dependents of those in active service or~~
7 ~~of those who have died while in active service, and the postwar adjustment of all military~~
8 ~~personnel of the United States, are primarily and justly the obligations of the federal~~
9 ~~government. However, because of the possibility of delay in making arrangements to extend~~
10 ~~such care or to complete that readjustment, the veterans affairs division special revenue fund~~
11 ~~may be used for the purpose of extending emergency aid and assistance:~~

12 ~~—(1) To the dependents of those who are in active service or who have died in active~~
13 ~~service, during the time when allotments, gratuity pay, arrears pay, insurance claims,~~
14 ~~widow or widower pensions, or any other claim or benefit of such dependents are~~
15 ~~being adjudicated or processed, or if financial relief is required for any emergency~~
16 ~~need;~~

17 ~~—(2) To any veteran or veteran's dependents while any application for schooling or~~
18 ~~business rehabilitation, compensation, hospitalization, or any other benefit is being~~
19 ~~adjudicated or processed, or if financial relief is required for any emergency need.~~

20 Section 6. That § 33-17-8 be repealed.

21 ~~—33-17-8. Funds shall be advanced to any veteran or to the veteran's dependents under § 33-~~
22 ~~17-7 if emergency need has been established to the satisfaction of the director of the Division~~
23 ~~of Veterans Affairs, under rules promulgated pursuant to chapter 1-26 by the Veterans~~
24 ~~Commission, and upon agreement by the veteran or the veteran's dependents that the funds so~~

1 ~~loaned shall be repaid without interest and are due two years from the date the money is loaned.~~
2 ~~The agreement shall be in a form prescribed by the Department of Military and Veterans Affairs,~~
3 ~~and money repaid shall be paid into the veterans affairs division special revenue fund under the~~
4 ~~control of the department. In no case may the sums loaned to any veteran, or to the aggregate~~
5 ~~of the veteran's dependents, exceed the sum of five hundred dollars.~~

6 Section 7. That § 33-17-9 be repealed.

7 ~~— 33-17-9. Moneys in the fund described in § 33-17-3 may be expended to pay the~~
8 ~~compensation and expenses of employees of the Division of Veterans Affairs engaged in the~~
9 ~~examination or investigation of on-the-job training projects, opportunities and conditions and~~
10 ~~in providing for and assisting veterans to obtain on-the-job training.~~

11 Section 8. That § 33-17-10 be repealed.

12 ~~— 33-17-10. For the purposes of §§ 33-17-3 and 33-17-9, a veteran is a person who has served~~
13 ~~in the armed forces of the United States, who is in wartime service, or who is a veteran as~~
14 ~~defined in § 33-17-1, who was a legal resident of South Dakota at the time of entry into service~~
15 ~~or who, following discharge, has been a resident of this state for one year. However, a~~
16 ~~nonresident in this state is entitled to any benefits which are available in the nonresident's state~~
17 ~~to a South Dakota resident under the same conditions.~~

18 Section 9. That § 33-17-11 be repealed.

19 ~~— 33-17-11. The provisions of §§ 33-17-7 to 33-17-10, inclusive, shall be construed liberally~~
20 ~~in order to effectuate their purposes.~~

21 Section 10. Any funds in the Veterans Affairs Division special revenue fund created by § 33-
22 17-3 as of June 30, 2009, shall revert to the state general fund.