



# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

661T0221

## SENATE COMMERCE AND ENERGY ENGROSSED NO. **HB 1071** - 2/14/2012

Introduced by: Representatives Willadsen, Conzet, Fargen, Greenfield, Hawley, Hickey, Hubbel, Jones, Kirschman, Moser, Novstrup (David), Scott, and Solum and Senators Lederman, Adelstein, Buhl, Johnston, Nelson (Tom), Nygaard, Peters, and Rave

1 FOR AN ACT ENTITLED, An Act to increase the benefits that the Insurance Guarantee  
2 Association may become obligated to cover for annuities, to provide for retroactive  
3 application, and to declare an emergency.

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

5 Section 1. That § 58-29C-46 be amended to read as follows:

6 58-29C-46. A. This chapter shall provide coverage for the policies and contracts specified  
7 in subpart B:

8 (1) To persons who, regardless of where they reside (except for nonresident certificate  
9 holders under group policies or contracts), are the beneficiaries, assignees, or payees  
10 of the persons covered under subdivision (2);

11 (2) To persons who are owners of or certificate holders under the policies or contracts  
12 (other than structured settlement annuities) and in each case who:

13 (a) Are residents; or



- 1 (b) Are not residents, but only under all of the following conditions:
  - 2 (i) The insurer that issued the policies or contracts is domiciled in this
  - 3 state;
  - 4 (ii) The states in which the persons reside have associations similar to the
  - 5 association created by this chapter;
  - 6 (iii) The persons are not eligible for coverage by an association in any other
  - 7 state due to the fact that the insurer was not licensed in the state at the
  - 8 time specified in the state's guaranty association law;
- 9 (3) For structured settlement annuities specified in subpart B, subdivisions (1) and (2)
- 10 of this subpart do not apply, and this chapter shall (except as provided in subdivisions
- 11 (4) and (5) of this subpart) provide coverage to a person who is a payee under a
- 12 structured settlement annuity (or beneficiary of a payee if the payee is deceased), if
- 13 the payee:
  - 14 (a) Is a resident, regardless of where the contract owner resides; or
  - 15 (b) Is not a resident, but only under both of the following conditions:
    - 16 (i)(I) The contract owner of the structure settlement annuity is a resident, or
    - 17 (II) The contract owner of the structured settlement annuity is not a
    - 18 resident, but the insurer that issued the structured settlement annuity is
    - 19 domiciled in this state and the state in which the contract owner resides
    - 20 has an association similar to the association created by this chapter; and
    - 21 (ii) Neither the payee (or beneficiary) nor the contract owner is eligible for
    - 22 coverage by the association of the state in which the payee or contract
    - 23 owner resides;
- 24 (4) This chapter does not provide coverage to a person who is a payee (or beneficiary)

1 of a contract owner resident of this state, if the payee (or beneficiary) is afforded any  
2 coverage by the association of another state;

3 (5) This chapter is intended to provide coverage to a person who is a resident of this state  
4 and, in special circumstances, to a nonresident. In order to avoid duplicate coverage,  
5 if a person who would otherwise receive coverage under this chapter is provided  
6 coverage under the laws of any other state, the person may not be provided coverage  
7 under this chapter. In determining the application of the provisions of this paragraph  
8 in situations where a person could be covered by the association of more than one  
9 state, whether as an owner, payee, beneficiary, or assignee, this chapter shall be  
10 construed in conjunction with other state laws to result in coverage by only one  
11 association.

12 B. (1) This chapter shall provide coverage to the persons specified in subpart A for direct,  
13 nongroup life, health, or annuity policies or contracts and supplemental contracts to any of these  
14 and for certificates under direct group policies and contracts, except as limited by this chapter.  
15 Annuity contracts and certificates under group annuity contracts include allocated funding  
16 agreements, structured settlement annuities, and any immediate or deferred annuity contracts.

17 (2) This chapter may not provide coverage for:

18 (a) A portion of a policy or contract not guaranteed by the insurer, or under which  
19 the risk is borne by the policy or contract owner;

20 (b) A policy or contract of reinsurance, unless assumption certificates have been  
21 issued pursuant to the reinsurance policy or contract;

22 (c) A portion of a policy or contract to the extent that the rate of interest on which  
23 it is based:

24 (i) Averaged over the period of four years prior to the date on which the

1 association becomes obligated with respect to the policy or contract,  
2 exceeds a rate of interest determined by subtracting two percentage  
3 points from Moody's Corporate Bond Yield Average averaged for that  
4 same four-year period or for such lesser period if the policy or contract  
5 was issued less than four years before the association became obligated;  
6 and

7 (ii) On and after the date on which the association becomes obligated with  
8 respect to the policy or contract, exceeds the rate of interest determined  
9 by subtracting three percentage points from Moody's Corporate Bond  
10 Yield Average as most recently available;

11 (d) A portion of a policy or contract issued to a plan or program of an employer,  
12 association, or other person to provide life, health, or annuity benefits to its  
13 employees, members, or others, to the extent that the plan or program is self-  
14 funded or uninsured, including benefits payable by an employer, association,  
15 or other person under:

16 (i) A multiple employer welfare arrangement as defined in 29 U.S.C.  
17 § 1144;

18 (ii) A minimum premium group insurance plan;

19 (iii) A stop-loss group insurance plan; or

20 (iv) An administrative services only contract;

21 (e) A portion of a policy or contract to the extent that it provides for:

22 (i) Dividends or experience rating credits;

23 (ii) Voting rights; or

24 (iii) Payment of any fees or allowances to any person, including the policy

1 or contract owner, in connection with the service to or administration  
2 of the policy or contract;

3 (f) A policy or contract issued in this state by a member insurer at a time when it  
4 was not licensed or did not have a certificate of authority to issue the policy  
5 or contract in this state;

6 (g) A portion of a policy or contract to the extent that the assessments required by  
7 58-29C-52 with respect to the policy or contract are preempted by federal or  
8 state law;

9 (h) An obligation that does not arise under the express written terms of the policy  
10 or contract issued by the insurer to the contract owner or policy owner,  
11 including without limitation:

12 (i) Claims based on marketing materials;

13 (ii) Claims based on side letters, riders, or other documents that were issued  
14 by the insurer without meeting applicable policy form filing or approval  
15 requirements;

16 (iii) Misrepresentations of or regarding policy benefits;

17 (iv) Extra-contractual claims; or

18 (v) A claim for penalties or consequential or incidental damages;

19 (i) A contractual agreement that establishes the member insurer's obligations to  
20 provide a book value accounting guaranty for defined contribution benefit plan  
21 participants by reference to a portfolio of assets that is owned by the benefit  
22 plan or its trustee, which in each case is not an affiliate of the member insurer;

23 (j) An unallocated annuity contract; and

24 (k) A portion of a policy or contract to the extent it provides for interest or other

1 changes in value to be determined by the use of an index or other external  
2 reference stated in the policy or contract, but which have not been credited to  
3 the policy or contract, or as to which the policy or contract owner's rights are  
4 subject to forfeiture, as of the date the member insurer becomes an impaired  
5 or insolvent insurer under this chapter, whichever is earlier. If a policy's or  
6 contract's interest or changes in value are credited less frequently than  
7 annually, then for purposes of determining the values that have been credited  
8 and are not subject to forfeiture under this subsection, the interest or change  
9 in value determined by using the procedures defined in the policy or contract  
10 will be credited as if the contractual date of crediting interest or changing  
11 values was the date of impairment or insolvency, whichever is earlier, and will  
12 not be subject to forfeiture.

13 C. The benefits that the association may become obligated to cover may in no event exceed  
14 the lesser of:

15 (1) The contractual obligations for which the insurer is liable or would have been liable  
16 if it were not an impaired or insolvent insurer; or

17 (2)(a) With respect to one life, regardless of the number of policies or contracts:

18 (i) Three hundred thousand dollars in life insurance death benefits, but not  
19 more than one hundred thousand dollars in net cash surrender and net  
20 cash withdrawal values for life insurance;

21 (ii) In health insurance benefits:

22 (I) One hundred thousand dollars for coverages not described in clauses  
23 (II) and (III) below, including any net cash surrender and net cash  
24 withdrawal values;

- 1 (II) Three hundred thousand dollars for disability income insurance as  
2 defined in § 58-17-108, and three hundred thousand dollars for long-  
3 term care insurance as defined in subdivision 58-17B-2(6);
- 4 (III) Five hundred thousand dollars for basic hospital, medical and surgical  
5 insurance, or major medical insurance as defined in the National  
6 Association of Insurance Commissioners Health Insurance Shoppers'  
7 Guide, as of January 1, 2003; or
- 8 (iii) ~~One hundred~~ Two hundred fifty thousand dollars in the present value  
9 of annuity benefits, including net cash surrender and net cash  
10 withdrawal values;
- 11 (b) With respect to each payee of a structured settlement annuity (or beneficiary  
12 or beneficiaries of the payee if deceased), ~~one hundred~~ two hundred fifty  
13 thousand dollars in present value annuity benefits, in the aggregate, including  
14 net cash surrender and net cash withdrawal values;
- 15 (c) However, in no event may the association be obligated to cover more than (i)  
16 an aggregate of three hundred thousand dollars in benefits with respect to any  
17 one life under subsections 2(a), 2(b), and 2(c) of subpart C of this section  
18 except with respect to benefits for basic hospital, medical and surgical  
19 insurance, and major medical insurance under subsection 2(a)(ii) of this  
20 section, in which case the aggregate liability of the association may not exceed  
21 five hundred thousand dollars with respect to any one individual, or (ii) with  
22 respect to one owner of multiple nongroup policies of life insurance, whether  
23 the policy owner is an individual, firm, corporation, or other person, and  
24 whether the persons insured are officers, managers, employees, or other

1 persons, more than five million dollars in benefits, regardless of the number  
2 of policies and contracts held by the owner;

3 (d) The limitations set forth in this section are limitations on the benefits for  
4 which the association is obligated before taking into account either its  
5 subrogation and assignment rights or the extent to which those benefits could  
6 be provided out of the assets of the impaired or insolvent insurer attributable  
7 to covered policies. The costs of the association's obligations under this  
8 chapter may be met by the use of assets attributable to covered policies or  
9 reimbursed to the association pursuant to its subrogation and assignment  
10 rights.

11 D. In performing its obligations to provide coverage under § 58-29C-51, the association may  
12 not be required to guarantee, assume, reinsure, or perform, or cause to be guaranteed, assumed,  
13 reinsured, or performed, the contractual obligations of the insolvent or impaired insurer under  
14 a covered policy or contract that do not materially affect the economic values or economic  
15 benefits of the covered policy or contract.

16 Section 2. The provisions of this Act apply to coverage the guaranty association provides  
17 in connection with a member insurer that is placed under an order of liquidation with a finding  
18 of insolvency on or after January 1, 2012.

19 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,  
20 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
21 effect from and after its passage and approval retroactive to January 1, 2012.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

983T0323

## SENATE APPROPRIATIONS ENGROSSED NO. **SB 25** - 2/2/2012

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to provide for the creation of a new state accountability  
2 system and a new financial accountability rating system for public elementary and secondary  
3 schools.

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

5 Section 1. That § 13-3-62 be amended to read as follows:

6 13-3-62. A single, statewide state accountability system is established. The system shall hold  
7 public schools ~~and public school districts~~ accountable for the academic achievement of their  
8 students and shall ensure that all public schools ~~and all public school districts~~ make adequate  
9 yearly progress in continuously and substantially improving the academic achievement of their  
10 students.

11 Section 2. That § 13-3-63 be amended to read as follows:

12 13-3-63. The state accountability system shall be based on the South Dakota Content  
13 Standards in reading and mathematics approved by the South Dakota Board of Education. The  
14 yearly progress of students shall be measured by the state academic assessments as may be  
15 prescribed by the Legislature, and shall take into account the achievement of all public



1 elementary school and secondary school students in reading and mathematics annually. ~~An~~  
2 ~~additional academic indicator~~ Additional indicators established pursuant to § 13-3-69 shall be  
3 used in the measurement of yearly progress: ~~the additional academic indicator for the public K-8~~  
4 ~~elementary schools shall be the annual rate of student attendance; the additional academic~~  
5 ~~indicator for public 9-12 high schools shall be the annual rate of graduation.~~

6 Section 3. That § 13-3-64 be amended to read as follows:

7 13-3-64. The state accountability system shall ~~establish a timeline for adequate yearly~~  
8 ~~progress that ensures that no later than the 2013-2014 school year, measure whether~~ all students  
9 meet or exceed the state's proficient level of academic achievement ~~as measured by the state's~~  
10 ~~assessments. Annual measurable objectives in both reading and mathematics. Multiple~~  
11 indicators shall be established to ~~ensure~~ indicate continuous and substantial academic  
12 improvement of the achievement of all public school students as well as sub-groups of public  
13 school students, including economically disadvantaged students, students from major racial and  
14 ethnic groups, students with disabilities, and students with limited English proficiency. ~~The~~  
15 ~~annual measurable objectives shall identify a single minimum percentage of students who are~~  
16 ~~required to meet or exceed the proficient level on the academic assessments. The objectives~~  
17 ~~shall be applied separately in reading and mathematics and shall be applied to all students and~~  
18 ~~to each sub-group of students described in this section. The annual measurable objectives shall~~  
19 ~~be used for determining adequate yearly progress.~~

20 Section 4. That § 13-3-65 be amended to read as follows:

21 13-3-65. The state accountability system shall determine annually the progress of each  
22 public school ~~and public school district~~, including the annual progress of sub-groups of students,  
23 using annual assessment data and data from ~~one~~ additional academic indicator. ~~The school's~~  
24 ~~progress in mathematics and reading shall be compared separately to the state's annual~~

1 ~~objectives for adequate yearly progress in mathematics and reading. The results of the~~  
2 ~~comparisons shall be used to determine the school's achievement level based on the state's~~  
3 ~~achievement standards. The district's progress in mathematics and reading shall be compared~~  
4 ~~separately to the state's annual objectives in mathematics and reading. The results of the~~  
5 ~~comparisons shall be used to determine the district's achievement levels based on the state's~~  
6 ~~achievement standards indicators.~~

7 Section 5. That § 13-3-67 be amended to read as follows:

8 13-3-67. The state accountability system shall include ~~consequences~~ interventions for  
9 schools ~~and districts~~ in the form of sanctions, rewards, and recognition. The ~~consequences~~  
10 interventions shall be based on the school's ~~or district's~~ ranking on the state's achievement  
11 standards and additional indicators.

12 Section 6. That § 13-3-69 be amended to read as follows:

13 13-3-69. The South Dakota Board of Education may promulgate administrative rules  
14 pursuant to chapter 1-26 to establish the state accountability system; based on achievement and  
15 other indicators including:

- 16 (1) A definition of ~~adequate yearly~~ academic progress;
- 17 (2) ~~A valid and reliable~~ The method of calculating ~~adequate~~ yearly progress in  
18 mathematics and reading for all public schools ~~and public school districts~~, including  
19 methods for determining both the status and improvement growth;
- 20 (3) A definition of four levels of student achievement, including a proficient level;
- 21 (4) ~~Establishment of names and descriptors for the four levels of student achievement;~~
- 22 ~~(5) Determination of cut scores within the scoring data from the state assessments in~~  
23 mathematics and reading for each ~~of the four levels~~ level of student achievement;
- 24 ~~(6)(5) Establishment of the state's annual~~ measurable objectives for academic progress

1 through 2013-2014 in both reading and mathematics;

2 ~~(7)(6)~~ Establishment of a system of consequences for public schools, including sanctions,  
3 rewards, and recognition;

4 ~~(8)(7)~~ Establishment of a system of consequences for public school districts, including  
5 sanctions, rewards, and recognition the process for teacher and principal evaluation;

6 ~~(9)(8)~~ Determination of a valid and reliable method for calculating a graduation rate the  
7 criteria to demonstrate student preparedness for college and career for each public  
8 high school;

9 ~~(10)(9)~~ Determination of a valid and reliable the method for calculating the attendance  
10 rate for each public elementary and middle school;

11 ~~(11)(10)~~ Establishment of an appeal process for public schools ~~and public school~~  
12 districts; and

13 ~~(12)(11)~~ Establishment of a process whereby the state accountability system will be  
14 periodically reviewed ~~to assure that it is fair and appropriate for the public~~  
15 ~~schools of South Dakota, and is in compliance with federal law; and~~

16 ~~—(13)—~~ Any other administrative rule that is deemed necessary to fulfill the requirements of  
17 ~~the federal education act, Public Law No. 107-110, § 1111(b)(2)(A), 115 Stat. 1425,~~  
18 ~~as in effect on January 1, 2003.~~

19 Section 7. Beginning in the 2014-2015 school year, the Department of Education shall  
20 develop and implement a financial accountability rating system for public school districts that  
21 distinguishes among school districts based on levels of financial performance and includes  
22 procedures to provide additional transparency to public education finance to enable the  
23 Department of Education and school administrators to provide meaningful financial oversight  
24 and improvement. The system shall include uniform indicators that measure school districts'

1 financial management performance.

2 Section 8. Beginning in the 2014-2015 school year, the Department of Education shall  
3 identify school districts that demonstrate high academic achievement and cost-effective  
4 operations. In identifying school districts, the department shall:

- 5 (1) Integrate existing academic accountability and financial data; and
- 6 (2) Rank the results of the calculation in subdivision (1) to identify the relative  
7 performance of school districts.

8 Section 9. Beginning on July 1, 2012, a work group shall provide input in developing the  
9 financial accountability rating system described in sections 8 and 9 of this Act. The work group  
10 shall consist of the following members:

- 11 (1) Five school district business managers appointed by the secretary of education;
- 12 (2) Three school superintendents appointed by the secretary of education;
- 13 (3) Three representatives of the business community with a knowledge of school finance  
14 appointed by the secretary of education;
- 15 (4) One representative of the School Administrators of South Dakota appointed by the  
16 secretary of education;
- 17 (5) One representative of the Associated School Boards of South Dakota appointed by  
18 the secretary of education;
- 19 (6) One member of the Senate appointed by the president pro tempore of the Senate; and
- 20 (7) One member of the House of Representatives appointed by the speaker of the House  
21 of Representatives.

22 Section 10. The Board of Education shall promulgate rules pursuant to chapter 1-26 to  
23 provide for the implementation and administration of the financial accountability rating system  
24 established pursuant to section 7 of this Act.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0201

## SENATE APPROPRIATIONS ENGROSSED NO. **SB 37** - 2/9/2012

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural  
2 resources conservation fund to the State Conservation Commission and to declare an  
3 emergency.

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

5 Section 1. There is hereby appropriated from the coordinated natural resources conservation  
6 fund the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be  
7 necessary, in accordance with subdivision 10-47B-149(4), to the State Conservation  
8 Commission.

9 Section 2. The State Conservation Commission shall approve vouchers and the state auditor  
10 shall draw warrants to pay expenditures authorized by this Act.

11 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by  
12 June 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8.

13 Section 4. Whereas, this Act is necessary for the support of the state government and its  
14 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in



1 full force and effect from and after its passage and approval.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0442

## SENATE APPROPRIATIONS ENGROSSED NO. **SB 46** - 2/2/2012

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase an airport  
2 structure for use by South Dakota State University and to make an appropriation therefor.

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

4 Section 1. The Board of Regents may purchase an existing structure, comprising something  
5 more than ten thousand six hundred sixty feet, located on the grounds of the Brookings Regional  
6 Airport, Lot X in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section  
7 Twenty-Six (26), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5<sup>th</sup>  
8 P.M. in the City of Brookings, Brookings County, South Dakota, for the use by South Dakota  
9 State University as an instructional site for its aviation program and for incidental protection and  
10 maintenance of aircraft used by the program.

11 Section 2. There is hereby appropriated from other fund expenditure authority, the sum of  
12 one million one hundred thousand dollars (\$1,100,000), or so much thereof as may be necessary,  
13 payable from fees collected by South Dakota State University from students or by its aviation  
14 program and from funds donated and accepted for the purposes of this Act, to the Board of  
15 Regents for the purchase of the facility specified in section 1 of this Act.



1       Section 3. The executive director of the Board of Regents shall approve vouchers and the  
2 state auditor shall draw warrants to pay expenditures authorized by this Act.

3       Section 4. Notwithstanding § 5-14-10, South Dakota University may maintain the facility  
4 from funds available to it for such purposes.

5       Section 5. No general fund dollars may be used for the maintenance and repair of the  
6 facilities authorized by this Act.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0411

SENATE ENGROSSED NO. **SB 48** - 2/14/2012

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

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year  
2 2012.

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

4 Section 1. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as  
5 follows:

6 DEPARTMENT OF EXECUTIVE MANAGEMENT

7 (3) Governor's Office of Economic Development

8 Operating Expenses, General Funds, delete "\$829,298" and insert "\$5,829,298"

9 Operating Expenses, Other Funds, delete "\$15,968,933" and insert "\$20,968,933"

10 Adjust all totals accordingly.

11 Section 2. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as  
12 follows:

13 DEPARTMENT OF EXECUTIVE MANAGEMENT

14 (22) Statewide Maintenance and Repair

15 Operating Expenses, General Funds, delete "\$2,351,009" and insert "\$4,390,285"



1 Adjust all totals accordingly.

2 Section 3. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as  
3 follows:

4 DEPARTMENT OF EXECUTIVE MANAGEMENT

5 (28) Telecommunications Services

6 Operating Expenses, Other Funds, delete "\$8,770,952" and insert "\$9,140,952"

7 Adjust all totals accordingly.

8 Section 4. That section 7 of chapter 23 of the 2011 Session Laws be amended to read as  
9 follows:

10 DEPARTMENT OF TRIBAL RELATIONS

11 (1) Office of Tribal Relations

12 Operating Expenses, Other Funds, delete "\$0" and insert "\$50,000"

13 Adjust all totals accordingly.

14 Section 5. That section 9 of chapter 23 of the 2011 Session Laws be amended to read as  
15 follows:

16 DEPARTMENT OF HEALTH

17 (3) Health and Medical Services

18 Operating Expenses, General Funds, delete "\$2,100,803" and insert "\$2,449,803"

19 FTE, delete "176.5" and insert "178.5"

20 Adjust all totals accordingly.

21 Section 6. That section 10 of chapter 23 of the 2011 Session Laws be amended to read as  
22 follows:

23 DEPARTMENT OF LABOR AND REGULATION

24 (1) Administration, Secretary of Labor

1           Operating Expenses, General Funds, delete "\$180,000" and insert "\$430,000"

2   Adjust all totals accordingly.

3           Section 7. That section 10 of chapter 23 of the 2011 Session Laws be amended to read as  
4 follows:

5   DEPARTMENT OF LABOR AND REGULATION

6           (16) South Dakota Retirement System

7           Personal Services, Other Funds, delete "\$1,836,902" and insert "\$1,846,700"

8           Operating Expenses, Other Funds, delete "\$1,503,708" and insert "\$1,537,162"

9   Adjust all totals accordingly.

10          Section 8. That section 12 of chapter 23 of the 2011 Session Laws be amended to read as  
11 follows:

12   DEPARTMENT OF EDUCATION

13          (11) Education Resources

14          Operating Expenses, General Funds, delete "\$4,778,181" and insert "\$4,815,181"

15   Adjust all totals accordingly.

16          Section 9. That section 13 of chapter 23 of the 2011 Session Laws be amended to read as  
17 follows:

18   DEPARTMENT OF PUBLIC SAFETY

19          (4) Inspection and Licensing

20          Operating Expenses, Other Funds, delete "2,865,047" and insert "2,893,047"

21   Adjust all totals accordingly.

22          Section 10. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as  
23 follows:

24   BOARD OF REGENTS

1 (1) Regents Central Office

2 Operating Expenses, Other Funds, delete "\$32,265,151" and insert "\$35,890,151"

3 Adjust all totals accordingly.

4 Section 11. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

5 follows:

6 BOARD OF REGENTS

7 (2) South Dakota Scholarships

8 Operating Expenses, General Funds, delete "\$4,156,341" and insert "\$4,271,499"

9 Adjust all totals accordingly.

10 Section 12. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

11 follows:

12 BOARD OF REGENTS

13 (4) University of South Dakota Proper

14 Operating Expenses, General Funds, delete "\$178,715" and insert "\$152,086"

15 Adjust all totals accordingly.

16 Section 13. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

17 follows:

18 BOARD OF REGENTS

19 (6) South Dakota State University Proper

20 Operating Expenses, General Funds, delete "\$306,900" and insert "\$247,525"

21 Adjust all totals accordingly.

22 Section 14. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

23 follows:

24 BOARD OF REGENTS

1 (9) South Dakota School of Mines and Technology

2 Operating Expenses, General Funds, delete "\$298,066" and insert "\$289,713"

3 Adjust all totals accordingly.

4 Section 15. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

5 follows:

6 BOARD OF REGENTS

7 (10) Northern State University

8 Operating Expenses, General Funds, delete "\$344,135" and insert "\$338,106"

9 Adjust all totals accordingly.

10 Section 16. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

11 follows:

12 BOARD OF REGENTS

13 (11) Black Hills State University

14 Operating Expenses, General Funds, delete "\$40,173" and insert "\$30,392"

15 Adjust all totals accordingly.

16 Section 17. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

17 follows:

18 BOARD OF REGENTS

19 (12) Dakota State University

20 Personal Services, Other Funds, delete "\$9,983,132" and insert "\$10,083,132"

21 Operating Expenses, General Funds, delete "\$64,187" and insert "\$60,192"

22 Operating Expenses, Other Funds, delete "\$8,634,279" and insert "\$9,384,279"

23 Adjust all totals accordingly.

24 Section 18. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

1 follows:

2 BOARD OF REGENTS

3 (13) South Dakota School for the Deaf

4 Operating Expenses, General Funds, delete "\$1,222,737" and insert "\$1,222,173"

5 Adjust all totals accordingly.

6 Section 19. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as

7 follows:

8 BOARD OF REGENTS

9 (14) South Dakota School for the Blind and Visually Impaired

10 Operating Expenses, General Funds, delete "\$276,322" and insert "\$275,890"

11 Adjust all totals accordingly.

12 Section 20. That section 16 of chapter 23 of the 2011 Session Laws be amended to read as

13 follows:

14 DEPARTMENT OF VETERANS' AFFAIRS

15 (2) State Veterans' Home

16 Personal Services, General Funds, delete "\$1,412,567" and insert "\$1,419,513"

17 Personal Services, Federal Funds, delete "\$0" and insert "\$3,836"

18 Personal Services, Other Funds, delete "\$2,123,359" and insert "\$2,139,532"

19 FTE, delete "82.7" and insert "85.3"

20 Adjust all totals accordingly.

21 Section 21. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as

22 follows:

23 DEPARTMENT OF CORRECTIONS

24 (1) Administration

1           Operating Expenses, General Funds, delete "\$16,205,994" and insert "\$15,855,804"  
2 Adjust all totals accordingly.

3           Section 22. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
4 follows:

5 DEPARTMENT OF CORRECTIONS

6           (2) Mike Durfee State Prison

7           Operating Expenses, Other Funds, delete "\$241,042" and insert "\$1,066,042"

8 Adjust all totals accordingly.

9           Section 23. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
10 follows:

11 DEPARTMENT OF CORRECTIONS

12           (3) State Penitentiary

13           Personal Services, General Funds, delete "\$12,386,075" and insert "\$12,425,406"

14           Personal Services, Other Funds, delete "\$99,232" and insert "\$177,894"

15           Operating Expenses, Other Funds, delete "\$135,962" and insert "\$661,162"

16           FTE, delete "277.5" and insert "281.5"

17 Adjust all totals accordingly.

18           Section 24. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
19 follows:

20 DEPARTMENT OF CORRECTIONS

21           (4) Women's Prison

22           Operating Expenses, General Funds, delete "\$900,563" and insert "\$877,858"

23           FTE, delete "50.0" and insert "52.0"

24 Adjust all totals accordingly.

1 Section 25. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
2 follows:

3 DEPARTMENT OF CORRECTIONS

4 (6) Community Service

5 FTE, delete "75.1" and insert "76.1"

6 Adjust all totals accordingly.

7 Section 26. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as  
8 follows:

9 DEPARTMENT OF CORRECTIONS

10 (11) State Treatment and Rehabilitation Academy

11 Operating Expenses, Other Funds, delete "\$128,000" and insert "\$523,000"

12 Adjust all totals accordingly.

13 Section 27. That chapter 23 of the 2011 Session Laws be amended to be adding thereto a  
14 NEW SECTION to read as follows:

15 Section 36. The state treasurer shall transfer to the railroad trust fund four million dollars  
16 (\$4,000,000), from the state general fund.

17 Section 28. Up to twenty million dollars (\$20,000,000) in general funds appropriated in  
18 subsection (3) of section 8 of chapter 23 of the 2011 Session Laws which are unspent at the end  
19 of fiscal year 2012 may be carried over to fiscal year 2013 for Medical and Adult Services.  
20 Federal and other funds appropriated in subsection (3) of section 8 of chapter 23 of the 2011  
21 Session Laws which are unspent at the end of fiscal year 2012 may be carried over to fiscal year  
22 2013 for Medical and Adult Services.

23 Section 29. Funds appropriated by this Act which are unspent at the end of fiscal year 2012  
24 may be carried over to fiscal year 2013.

1 Section 30. This Act is effective June 20, 2012.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

630T0652

## SENATE APPROPRIATIONS ENGROSSED NO. **SB 82** - 2/10/2012

Introduced by: Senators Brown, Haverly, Novstrup (Al), Peters, and Tidemann and  
Representatives Cronin, Bolin, Dennert, Dryden, Olson (Betty), and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the unclaimed  
2 property trust fund.

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

4 Section 1. That § 43-41B-24.1 be amended to read as follows:

5 43-41B-24.1. Money in the unclaimed property trust fund for payment of costs and expenses  
6 authorized under § 43-41B-24 is continuously appropriated for those purposes. Any  
7 expenditures shall be paid upon warrants drawn by the state auditor pursuant to vouchers  
8 authorized by the state treasurer. All funds paid out by the state treasurer under chapter 43-41B  
9 shall be set forth in an informational budget as described in § 4-7-7.2 and be annually reviewed  
10 by the Legislature. Any expenditure other than unclaimed property claims that exceeds the  
11 informational budget shall be approved by the Board of Finance pursuant to chapter 4-1.



# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

777T0692

## SENATE EDUCATION ENGROSSED NO. **SB 127** - 2/2/2012

Introduced by: Senators Brown, Haverly, Novstrup (Al), Peters, and Tidemann and  
Representatives Cronin and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding educational data  
2 reporting.

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

4 Section 1. That § 13-3-51 be amended to read as follows:

5 13-3-51. The secretary of the Department of Education shall establish a uniform system for  
6 the gathering and reporting of educational data for the keeping of adequate educational and  
7 financial records and for the evaluation of educational progress. Any school district or school  
8 seeking state accreditation shall submit enrollment data, personnel data, and verify all state and  
9 federal standards for accreditation and approval of schools, including those related to safety and  
10 educational equity of the school district or school by October fifteenth of each year. Any school  
11 district with an average daily membership as defined in § 13-13-10.1 of greater than five  
12 thousand in the previous school fiscal year has an additional seven days to submit the required  
13 data. If the due date falls on a weekend or state holiday, the due date is the next business day  
14 following the scheduled due date. Any public school district shall also submit to a survey



1 regarding the district's budget, programs, workforce, or other related data by October fifteenth  
2 of each year, if required by the South Dakota Department of Education. An annual written  
3 evaluation of the educational progress in the state and in each school district shall be submitted  
4 to the Legislature and made available in each school district to the general public. The South  
5 Dakota Board of Education may promulgate rules pursuant to chapter 1-26 to further define the  
6 data required pursuant to this section.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

546T0403

## SENATE ENGROSSED NO. **SB 128** - 2/14/2012

Introduced by: Senators Lederman, Brown, Maher, Rampelberg, and Schlekeway and  
Representatives Willadsen, Cronin, Hansen (Jon), Kirkeby, and Moser

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections.

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

3 Section 1. That § 12-4-2 be amended to read as follows:

4 12-4-2. The county auditor has complete charge of maintaining and safeguarding the voter  
5 registration records in the county. The county auditor shall retain all voter registration records  
6 in the auditor's office in paper or electronic form. All such records shall be open to public  
7 inspection at all times during office hours, except ~~that public access to social security numbers~~  
8 ~~and driver license numbers is restricted~~ pursuant to § 12-4-9.

9 Voter registration shall be conducted by each county auditor and municipal finance officer.  
10 Voter registration shall be available at the secretary of state's office and at those locations which  
11 provide driver licenses; food stamps; temporary assistance for needy families; women, infants,  
12 and children nutrition program; medicaid; military recruitment; and assistance to the disabled  
13 as provided by the Department of Human Services.

14 Section 2. That § 12-4-9 be amended to read as follows:

15 12-4-9. The county auditor shall maintain and safeguard a file of voters in computer format



1 that contains each person registered in each voting precinct within the county. This file shall be  
2 known as the master registration file and shall be, at all times during office hours, open to public  
3 inspection. However, public access to social security numbers and driver license numbers  
4 contained in the master registration file shall be prohibited. Public access to each voter's day and  
5 month of birth shall be restricted. Public access to the voter's year of birth is not restricted. The  
6 master registration file shall contain all information from each voter's registration card ~~except~~  
7 ~~the description of the location of the voter's residence.~~ The master registration file shall also  
8 include the date of the last election the voter has voted in and when the voter's information was  
9 last updated. The master registration file may also contain additional voter history information.

10 Section 3. That § 12-4-4.11 be amended to read as follows:

11 12-4-4.11. If an overseas citizen who has never resided in South Dakota is eligible to register  
12 to vote pursuant to § 12-4-4.4 as the adult child of an overseas citizen and has not reached the  
13 age of twenty-two, the voter registration of the adult child shall be accompanied by a photocopy  
14 of the adult child's United States passport identification page and an overseas registrant form  
15 indicating where the adult child's parent is registered to vote in South Dakota. The State Board  
16 of Elections shall ~~prescribe~~ promulgate rules, pursuant to chapter 1-26, concerning the overseas  
17 registrant form.

18 Section 4. That § 12-20-37 be amended to read as follows:

19 12-20-37. The secretary of state shall, ~~at least thirty days before each primary and general~~  
20 ~~election, transmit to each county auditor envelopes for all returns of votes required to be made~~  
21 ~~to the secretary of state's office. Printed directions shall accompany the envelope~~ provide for the  
22 guidance and direction of the county auditor in making the returns according to law.

23 Section 5. That § 12-4-24.1 be repealed.

24 ~~12-4-24.1. Upon request the county auditor shall provide at their actual cost no more than~~

1 ~~five copies of precinct registration lists to the chairman or central committee of each organized~~  
2 ~~political party, and a copy to each candidate requesting them, by the first Tuesday of the month~~  
3 ~~preceding an election.~~

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0726

## SENATE HEALTH AND HUMAN SERVICES ENGROSSED NO. **SB 177** - 2/7/2012

Introduced by: The Committee on Health and Human Services at the request of the Office of  
the Governor

1 FOR AN ACT ENTITLED, An Act to establish a program to assist rural communities to recruit  
2 certain health care professionals and to repeal certain provisions regarding the physician, the  
3 midlevel, and the dentist tuition reimbursement programs.

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

5 Section 1. The Department of Health may establish a program to assist rural communities  
6 in recruiting physicians, dentists, physician assistants, nurse practitioners, and nurse midwives.

7 Section 2. A rural community eligible to participate in the recruitment assistance program  
8 is any community in this state which:

9 (1) Has a population of ten thousand persons or less;

10 (2) Agrees to provide its portion of the incentive payment pursuant to the provisions of  
11 this Act; and

12 (3) Is determined to be eligible by the Department of Health.

13 Before making a determination of eligibility, the Department of Health shall conduct a  
14 community assessment designed to evaluate the community's need for eligible providers and its



1 ability to sustain and support the additional providers. The department shall maintain a list of  
2 communities which have been assessed and which are eligible for participation in the  
3 recruitment assistance program established by this Act. The department may revise any  
4 community assessment or conduct a new assessment as necessary to reflect any change in  
5 conditions within a community.

6 Section 3. A physician is eligible to participate in the recruitment assistance program  
7 established pursuant to this Act if the physician is licensed to practice medicine pursuant to  
8 chapter 36-4 and has completed an accredited residency program in family practice, pediatrics,  
9 internal medicine, or obstetrics/gynecology, and if the physician agrees to practice in an eligible  
10 rural community for a minimum period of three years. However, no more than fifteen physicians  
11 may participate in the program at any specified time. Preference shall be given to physicians  
12 who have graduated from the University of South Dakota School of Medicine and completed  
13 an accredited residency program located in South Dakota.

14 A dentist is eligible to participate in the recruitment assistance program established pursuant  
15 to this Act if the dentist is licensed to practice dentistry pursuant to chapter 36-6A and agrees  
16 to practice general or pediatric dentistry in an eligible rural community for a minimum period  
17 of three years. However, no more than five dentists may participate in the program at any  
18 specified time.

19 A physician assistant, nurse practitioner, or nurse midwife is eligible to participate in the  
20 recruitment assistance program established pursuant to this Act if the physician assistant, nurse  
21 practitioner, or nurse midwife is licensed to practice pursuant to chapter 36-4A or chapter  
22 36-9A, respectively, and has completed an accredited physician assistant, nurse practitioner, or  
23 nurse midwife program and if the person agrees to practice as a primary care physician assistant,  
24 family nurse practitioner, or nurse midwife in an eligible rural community for a minimum period

1 of three years. However, no more than a cumulative total of fifteen physician assistants, nurse  
2 practitioners, or nurse midwives may participate in the program at any specified time.

3 Section 4. A physician or dentist who fulfills the requirements of the recruitment assistance  
4 program established pursuant to this Act, is entitled to receive an incentive payment in an  
5 amount equal to twice the University of South Dakota School of Medicine resident tuition for  
6 the four most recently completed academic years.

7 A physician assistant, nurse practitioner, or nurse midwife who fulfills the requirements of  
8 the recruitment assistance program established pursuant to this Act, is entitled to receive an  
9 incentive payment in an amount equal to twice the University of South Dakota resident tuition  
10 for physician assistant studies for the three most recently completed academic years.

11 Section 5. Any agreement for the payment of recruitment assistance pursuant to this Act  
12 shall obligate the rural community to be served by a physician, dentist, physician assistant, nurse  
13 practitioner, or nurse midwife to provide a portion of the total amount of the incentive payment,  
14 based on the following criteria: communities of two thousand five hundred persons or less shall  
15 provide twenty-five percent of incentive payments; communities of more than two thousand five  
16 hundred persons and less than five thousand persons shall provide fifty percent of incentive  
17 payments; and all remaining eligible communities shall provide seventy-five percent of  
18 incentive payments. When the rural community certifies to the secretary of health that it has paid  
19 the full amount for which it is obligated, the secretary of the Department of Health shall pay to  
20 the physician, dentist, physician assistant, nurse practitioner, or nurse midwife the remaining  
21 balance of the total incentive payment amount. The secretary shall pay the required amount out  
22 of funds appropriated by the Legislature for such purpose. The incentive payment shall be paid  
23 upon completion of the required three-year practice period by the physician, dentist, physician  
24 assistant, nurse practitioner, or nurse midwife. However, a community may pay its portion of

1 the incentive payment at any time during the three-year period.

2 Section 6. Any municipality or county may appropriate funds for the purpose of carrying out  
3 the provisions of this Act.

4 Section 7. No recruitment assistance agreement entered into pursuant to the provisions of  
5 this Act is effective until it is filed with and approved by the secretary of health. The secretary  
6 may prescribe the format of the agreements and procedures for approval.

7 Section 8. No person may participate in the program established pursuant to the provisions  
8 of this Act if the person has previously participated in such program, or any other state or federal  
9 scholarship, loan repayment, or tuition reimbursement program which obligates the person to  
10 provide medical services within an underserved area.

11 Section 9. Any person participating in the program established pursuant to the provisions  
12 of this Act shall agree to be a participating South Dakota medical assistance provider and to  
13 serve any individual eligible under chapter 28-6 and may not refuse treatment to any such  
14 individual while participating in the program.

15 Section 10. That § 1-16A-71.1 be repealed.

16 ~~— 1-16A-71.1. A physician is eligible to receive tuition reimbursement payments pursuant to~~  
17 ~~the provisions of §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, if the~~  
18 ~~physician is licensed to practice medicine pursuant to chapter 36-4 and has completed a~~  
19 ~~two-year or three-year accredited residency program in family practice and if the physician~~  
20 ~~agrees to practice as a family physician in an eligible community for a minimum period of three~~  
21 ~~years. However, no more than ten physicians may participate in this program at any specified~~  
22 ~~time. Preference shall be given to physicians who have graduated from the University of South~~  
23 ~~Dakota School of Medicine and completed an accredited family practice residency program~~  
24 ~~located in South Dakota.~~

1 Section 11. That § 1-16A-72.1 be repealed.

2 ~~1-16A-72.1. For purposes of §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5,~~

3 ~~inclusive, an eligible community is any community in this state which:~~

4 ~~(1) Has a population of ten thousand persons or less;~~

5 ~~(2) Agrees to provide its portion of the tuition reimbursement payments payable to a~~

6 ~~physician who practices in the community as required by §§ 1-16A-71.1, 1-16A-72.1,~~

7 ~~and 1-16A-73.1 to 1-16A-73.5, inclusive; and~~

8 ~~(3) Is determined to be eligible by the Department of Health.~~

9 ~~Before making a determination under subdivision (3) of this section, the Department of~~

10 ~~Health shall conduct a community assessment designed to evaluate the community's need for~~

11 ~~a physician and its ability to sustain and support a family physician. The department shall~~

12 ~~maintain a list of communities which have been assessed and which are eligible for participation~~

13 ~~in the tuition reimbursement program established by §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-~~

14 ~~73.1 to 1-16A-73.5, inclusive. The department may revise any community assessment or~~

15 ~~conduct a new assessment as necessary to reflect any change in conditions within a community.~~

16 Section 12. That § 1-16A-73.1 be repealed.

17 ~~1-16A-73.1. A physician who fulfills the requirements of §§ 1-16A-71.1, 1-16A-72.1, and~~

18 ~~1-16A-73.1 to 1-16A-73.5, inclusive, is entitled to receive tuition reimbursement in an amount~~

19 ~~equal to twice the University of South Dakota resident tuition which the physician would have~~

20 ~~paid if such physician had attended the University of South Dakota School of Medicine during~~

21 ~~the four most recently completed academic years. The amount of reimbursement does not~~

22 ~~include any interest incurred by a physician.~~

23 Section 13. That § 1-16A-73.2 be repealed.

24 ~~1-16A-73.2. Any agreement for the payment of tuition reimbursement pursuant to §§ 1-16A-~~

1 ~~71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, shall obligate the community to be~~  
2 ~~served by a physician to provide a portion of the total amount of tuition reimbursement, based~~  
3 ~~on the following criteria: communities of two thousand five hundred persons or less shall~~  
4 ~~provide twenty-five percent of tuition reimbursement payments; communities of more than two~~  
5 ~~thousand five hundred persons and less than five thousand persons shall provide fifty percent~~  
6 ~~of tuition reimbursement payments, and all remaining eligible communities shall provide~~  
7 ~~seventy-five percent of tuition reimbursement payments. When the community certifies to the~~  
8 ~~secretary of health that it has paid the full amount for which it is obligated, the secretary of the~~  
9 ~~Department of Health shall pay to the physician the remaining balance of the total tuition~~  
10 ~~reimbursement amount. The secretary shall pay the required amount out of funds appropriated~~  
11 ~~by the Legislature for such purpose. Reimbursement shall be paid upon the physician's~~  
12 ~~completion of the required three-year practice period. However, a community may pay its share~~  
13 ~~of tuition reimbursement in installments during the required three-year period.~~

14 Section 14. That § 1-16A-73.3 be repealed.

15 ~~— 1-16A-73.3. Any municipality may appropriate funds for the purpose of carrying out the~~  
16 ~~provisions of §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive.~~

17 Section 15. That § 1-16A-73.4 be repealed.

18 ~~— 1-16A-73.4. No tuition reimbursement agreement entered into pursuant to the provisions of~~  
19 ~~§§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, is effective until it is filed~~  
20 ~~with and approved by the secretary of health. The secretary may prescribe, by rules promulgated~~  
21 ~~pursuant to chapter 1-26, the form of agreements and procedure for approval.~~

22 Section 16. That § 1-16A-73.5 be repealed.

23 ~~— 1-16A-73.5. No person may participate in the tuition reimbursement program established~~  
24 ~~by §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, if the person has~~

1 ~~previously participated in such program, or any other state or federal scholarship, loan~~  
2 ~~repayment, or tuition reimbursement program which obligates the person to provide medical~~  
3 ~~services within an underserved area.~~

4 Section 17. That § 1-16A-73.6 be repealed.

5 ~~— 1-16A-73.6. A physician assistant or nurse practitioner is eligible to receive midlevel tuition~~  
6 ~~reimbursement payments pursuant to the provisions of §§ 1-16A-73.6 to 1-16A-73.12, inclusive,~~  
7 ~~if the physician assistant or nurse practitioner is licensed to practice pursuant to chapter 36-4A~~  
8 ~~or chapter 36-9A, respectively, and has completed an accredited physician assistant or nurse~~  
9 ~~practitioner program and if the person agrees to practice as a primary care physician assistant~~  
10 ~~or family nurse practitioner in an eligible community for a minimum period of three years.~~  
11 ~~However, no more than eight physician assistants or nurse practitioners may participate in this~~  
12 ~~program at any specified time.~~

13 Section 18. That § 1-16A-73.7 be repealed.

14 ~~— 1-16A-73.7. For the purposes of §§ 1-16A-73.6 to 1-16A-73.12, inclusive, an eligible~~  
15 ~~community is any community in this state which:~~

16 ~~— (1) — Has a population of five thousand persons or less;~~

17 ~~— (2) — Agrees to provide the midlevel tuition reimbursement payment payable to a physician~~  
18 ~~assistant or nurse practitioner who practices in the community as required by §§ 1-~~  
19 ~~16A-73.6 to 1-16A-73.12, inclusive; and~~

20 ~~— (3) — Is determined to be eligible by the Department of Health.~~

21 ~~— The Department of Health shall make a determination of eligibility under subdivision (3)~~  
22 ~~of this section based on an evaluation of a community's need for a physician assistant or nurse~~  
23 ~~practitioner and its ability to sustain and support a physician assistant or nurse practitioner. The~~  
24 ~~department shall maintain a list of communities which have been determined to be eligible for~~

1 participation in the midlevel tuition reimbursement program established by §§ 1-16A-73.6 to  
2 1-16A-73.12, inclusive. The department may revise any determination as necessary to reflect  
3 any change in conditions within a community.

4 Section 19. That § 1-16A-73.8 be repealed.

5 — 1-16A-73.8. A physician assistant or nurse practitioner who fulfills the requirements of §§ 1-  
6 16A-73.6 to 1-16A-73.12, inclusive, is entitled to receive midlevel tuition reimbursement in an  
7 amount equal to the average resident tuition at the University of South Dakota School of  
8 Medicine's physician assistant program and the South Dakota State University School of  
9 Nursing's nurse practitioner program which the physician assistant or nurse practitioner would  
10 have paid if the physician assistant or nurse practitioner had attended training at the University  
11 of South Dakota School of Medicine's physician assistant program or the South Dakota State  
12 University School of Nursing's nurse practitioner program. If the physician assistant or nurse  
13 practitioner completed training prior to 1994, the maximum amount of midlevel tuition  
14 reimbursement shall be equal to the average resident tuition at the University of South Dakota  
15 School of Medicine's physician assistant program and the South Dakota State University School  
16 of Nursing's nurse practitioner program for the 1994-1995 school year. The amount of  
17 reimbursement does not include any interest incurred by a physician assistant or nurse  
18 practitioner.

19 Section 20. That § 1-16A-73.9 be repealed.

20 — 1-16A-73.9. Any agreement for the payment of midlevel tuition reimbursement pursuant to  
21 §§ 1-16A-73.6 to 1-16A-73.12, inclusive, shall obligate the community to be served by a  
22 physician assistant or nurse practitioner to provide the full amount of midlevel tuition  
23 reimbursement. When the community certifies to the secretary of the Department of Health that  
24 it has paid in full the amount for which it is obligated, the secretary shall pay to the physician

1 ~~assistant or nurse practitioner, an amount equal to the total midlevel tuition reimbursement~~  
2 ~~amount provided by the community. The secretary shall pay the required amount out of funds~~  
3 ~~appropriated by the Legislature for such purpose. Reimbursement shall be paid upon the~~  
4 ~~physician assistant's or nurse practitioner's completion of the required three-year practice period.~~  
5 ~~However, a community may pay its share of midlevel tuition reimbursement in installments~~  
6 ~~during the three-year period.~~

7 Section 21. That § 1-16A-73.10 be repealed.

8 ~~— 1-16A-73.10. Any municipality may appropriate funds for the purpose of carrying out the~~  
9 ~~provisions of §§ 1-16A-73.6 to 1-16A-73.12, inclusive:~~

10 Section 22. That § 1-16A-73.11 be repealed.

11 ~~— 1-16A-73.11. No midlevel tuition reimbursement agreement entered into pursuant to §§ 1-~~  
12 ~~16A-73.6 to 1-16A-73.12, inclusive, is effective until it is filed with and approved by the~~  
13 ~~secretary of health. The secretary may prescribe, by rules promulgated pursuant to chapter 1-26,~~  
14 ~~the form of agreements and procedures for approval.~~

15 Section 23. That § 1-16A-73.12 be repealed.

16 ~~— 1-16A-73.12. No person may participate in the midlevel tuition reimbursement program~~  
17 ~~established by §§ 1-16A-73.6 to 1-16A-73.12, inclusive, if the person has previously received~~  
18 ~~a midlevel practitioner education scholarship.~~

19 Section 24. That § 1-16A-73.20 be repealed.

20 ~~— 1-16A-73.20. A dentist is eligible to receive tuition reimbursement payments pursuant to~~  
21 ~~the provisions of §§ 1-16A-73.20 to 1-16A-73.27, inclusive, if the dentist is licensed to practice~~  
22 ~~dentistry pursuant to chapter 36-6A and agrees to practice general dentistry in an eligible~~  
23 ~~community for a minimum period of three years. However, no more than five dentists may~~  
24 ~~participate in this program at any specified time.~~

1 Section 25. That § 1-16A-73.21 be repealed.

2 ~~1-16A-73.21. For the purposes of §§ 1-16A-73.20 to 1-16A-73.27, inclusive, an eligible~~  
3 ~~community is any community in this state that:~~

4 ~~(1) Has a population of ten thousand persons or less;~~

5 ~~(2) Agrees to provide its portion of the tuition reimbursement payments payable to a~~  
6 ~~dentist who practices in the community as required by §§ 1-16A-73.20 to~~  
7 ~~1-16A-73.27, inclusive; and~~

8 ~~(3) Is determined to be eligible by the Department of Health.~~

9 ~~Before making the determination under subdivision (3) of this section, the Department of~~  
10 ~~Health shall conduct a community assessment designed to evaluate the community's need for~~  
11 ~~a dentist and its ability to sustain and support a dentist. The department shall maintain a list of~~  
12 ~~communities that have been assessed and that are eligible for participation in the tuition~~  
13 ~~reimbursement program established by §§ 1-16A-73.20 to 1-16A-73.27, inclusive. The~~  
14 ~~department may revise any community assessment or conduct a new assessment as necessary~~  
15 ~~to reflect any change in conditions within a community.~~

16 Section 26. That § 1-16A-73.22 be repealed.

17 ~~1-16A-73.22. A dentist who fulfills the requirements of §§ 1-16A-73.20 to 1-16A-73.27,~~  
18 ~~inclusive, is entitled to receive tuition reimbursement in an amount equal to twice the University~~  
19 ~~of South Dakota resident tuition that a physician would have paid if the physician had attended~~  
20 ~~the University of South Dakota School of Medicine during the four most recently completed~~  
21 ~~academic years. The amount of reimbursement does not include any interest incurred by a~~  
22 ~~dentist.~~

23 Section 27. That § 1-16A-73.23 be repealed.

24 ~~1-16A-73.23. Any agreement for the payment of tuition reimbursement pursuant to §§ 1-~~

1 ~~16A-73.20 to 1-16A-73.27, inclusive, obligates the community to be served by a dentist to~~  
2 ~~provide a portion of the total amount of tuition reimbursement, based on the following criteria:~~

3 ~~—(1)—Communities of two thousand five hundred persons or less shall provide twenty-five~~  
4 ~~percent of tuition reimbursement payments;~~

5 ~~—(2)—Communities of more than two thousand five hundred persons and less than five~~  
6 ~~thousand persons shall provide fifty percent of tuition reimbursement payments; and~~

7 ~~—(3)—All remaining eligible communities shall provide seventy-five percent of tuition~~  
8 ~~reimbursement payments.~~

9 ~~—When the community certifies to the secretary of health that it has paid the full amount for~~  
10 ~~which it is obligated, the secretary of the Department of Health shall pay to the dentist the~~  
11 ~~remaining balance of the total tuition reimbursement amount. The secretary shall pay the~~  
12 ~~required amount out of funds appropriated by the Legislature for such purpose. Reimbursement~~  
13 ~~shall be paid upon the dentist's completion of the required three-year practice period. However,~~  
14 ~~a community may pay its share of tuition reimbursement in installments during the required~~  
15 ~~three-year period.~~

16 Section 28. That § 1-16A-73.24 be repealed.

17 ~~—1-16A-73.24. Any eligible municipality may appropriate funds for the purpose of carrying~~  
18 ~~out the provisions of §§ 1-16A-73.20 to 1-16A-73.27, inclusive.~~

19 Section 29. That § 1-16A-73.25 be repealed.

20 ~~—1-16A-73.25. No tuition reimbursement agreement entered into pursuant to the provisions~~  
21 ~~of §§ 1-16A-73.20 to 1-16A-73.27, inclusive, is effective until it is filed with and approved by~~  
22 ~~the secretary of health. The secretary may prescribe, by rules promulgated pursuant to chapter~~  
23 ~~1-26, the form of agreements and procedure for approval.~~

24 Section 30. That § 1-16A-73.26 be repealed.

1 ~~1-16A-73.26. No person may participate in the tuition reimbursement program established~~  
2 ~~by §§ 1-16A-73.20 to 1-16A-73.27, inclusive, if the person has previously participated in the~~  
3 ~~program, or any other state or federal scholarship, loan repayment, or tuition reimbursement~~  
4 ~~program which obligates the person to provide dental services within an underserved area.~~

5 Section 31. That § 1-16A-73.27 be repealed.

6 ~~1-16A-73.27. Any person participating in the tuition reimbursement program established by~~  
7 ~~§§ 1-16A-73.20 to 1-16A-73.27, inclusive, shall agree to be a participating South Dakota~~  
8 ~~medical assistance provider and to serve any individual eligible under chapter 28-6 and may not~~  
9 ~~refuse treatment to any such individual while participating in the tuition reimbursement~~  
10 ~~program.~~