

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

228B0448

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **SB86** -
2/19/98

Introduced by: Senator Halverson and Representatives Belatti, Brooks, and Kazmerzak

1 FOR AN ACT ENTITLED, An Act to authorize the adoption of certain federal poverty and
2 food stamp guidelines by administrative rule.

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

4 Section 1. That § 28-13-32.5 be amended to read as follows:

5 28-13-32.5. For purposes of determining medical indigence, the county shall establish an
6 annual income guideline for the person which is derived as follows:

7 (1) Using the housing index established in § 28-13-32.6, determine the housing index for
8 the person's county of residence. Multiply the county index by three hundred six
9 dollars, the median gross rent of residences in South Dakota in 1996;

10 (2) Using the federal poverty guidelines ~~established in 43 Federal Register 8,286 (March~~
11 ~~4, 1996) adopted in rules promulgated by the Department of Social Services pursuant~~
12 ~~to chapter 1-26~~, determine the federal poverty level for the household size and
13 multiply that figure by one hundred seventy-five percent; and

14 (3) Add the results of subdivisions (1) and (2) of this section and multiply by twelve.

15 Section 2. That § 28-13-32.9 be amended to read as follows:

1 28-13-32.9. A county is financially responsible only for the hospitalization expense which is
2 beyond the person's ability to pay. A person's ability to pay is determined according to the
3 following:

4 (1) Determine the household's contributions for taxes, social security, medicare, and
5 payments to other standard retirement programs. A household's contribution for taxes
6 is limited to the amount of taxes payable for the actual number of dependents in the
7 household;

8 (2) Determine the household's expenses, including actual rent paid or scheduled principal
9 and interest payments for a personal residence plus property taxes and homeowner's
10 insurance costs; all utilities; child care expenses related to work schedules; grocery
11 expenses up to the maximum allowed under the Food Stamp Program's Thrifty Food
12 Plan as specified in ~~60 Federal Register 2,733 (January 11, 1995)~~ rules promulgated
13 by the Department of Social Services pursuant to chapter 1-26, plus household
14 supplies and toiletries; basic auto expenses, gasoline, and upkeep; employee-paid
15 health, life, and auto insurance payments; installment payments for medical bills;
16 recurring expenses for medicine and medical care; court-ordered child support and
17 alimony paid; automobile installment payments for one vehicle; clothing, reasonable
18 in relation to the household's income; and installment payments, limited to necessary
19 household items required by the household to maintain the needs of everyday living
20 and reasonable in relation to the household's income;

21 (3) Determine the amount of a household's discretionary income by subtracting the sum
22 of the household's contributions and expenses from the household's income
23 determined according to § 28-13-32.7. Divide the amount of the household's
24 discretionary income in half and multiply the resulting amount by forty-four dollars
25 and ninety-six cents. The result added to the household's adjusted resources

1 determined according to § 28-13-32.8 equals the household's ability to pay the debt
2 and constitutes the household's share of the hospital bill. The amount of forty-four
3 dollars and ninety-six cents represents the amount of medical or hospital expenses
4 which can be amortized over sixty months at twelve percent annual interest per dollar
5 of payment.

6 The amount of the county's obligation is determined by subtracting the amount of the
7 household's ability to pay from the hospital charges computed according to § 28-13-29. If the
8 household defaults on the payment of its share of the hospital bill, a hospital may not pursue a
9 collection action against the county for the defaulted payment.

1 **BILL HISTORY**

2 1/17/98 First read in Senate and referred to Health and Human Services. S.J. 69

3 1/26/98 Scheduled for Committee hearing on this date.

4 1/26/98 Health and Human Services Do Pass, Passed, AYES 6, NAYS 0. S.J. 190

5 1/26/98 Health and Human Services Place on Consent Calendar.

6 1/27/98 Second reading of consent calendar items.

7 1/27/98 Second reading of consent calendar items. S.J. 215

8 1/27/98 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 215

9 1/28/98 First read in House and referred to Health and Human Services. H.J. 290

10 2/18/98 Scheduled for Committee hearing on this date.

11 2/18/98 Health and Human Services Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 740