

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

552H0091 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1092 - 02/05/2002

Introduced by: Representatives Adelstein, Klautdt, and Van Etten and Senators Brown
(Arnold), Apa, and Madden

1 FOR AN ACT ENTITLED, An Act to provide resident tuition rates for certain nonresident
2 National Guard members and to revise certain tuition benefits for resident National Guard
3 members.

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

5 Section 1. Any person who is not a South Dakota resident who is a member of the South
6 Dakota National Guard, upon compliance with all the requirements for admission and subject
7 to the provisions of section 3 of this Act, is entitled to attend and pursue any undergraduate
8 course or courses in any state educational institution under the control and management of the
9 Board of Regents upon the payment of tuition at the rate established for a South Dakota
10 resident. However, no eligible National Guard member is entitled to more than four academic
11 years under this Act. The Board of Regents shall maintain an annual record of the number of
12 participants and the tuition dollar value of such participation. Nothing in this section may cause
13 any National Guard member's tuition rate, relative to current resident tuition rates, to increase
14 beyond the tuition rate that applied to the National Guard member during the most recent



1 semester or academic term in which the member was enrolled before the effective date of this
2 Act.

3 Section 2. To be eligible for resident tuition pursuant to this Act, a National Guard member
4 shall:

- 5 (1) Be a member of the South Dakota Army National Guard unit or South Dakota Air
6 National Guard unit throughout each semester for which the member applies for
7 benefits;
- 8 (2) Maintain a minimum ninety percent attendance on scheduled drill dates and at annual
9 training with the member's parent unit;
- 10 (3) Maintain satisfactory academic progress; and
- 11 (4) Provide proper notice to the institution at the time of registration for the term in
12 which the benefits are sought.

13 Section 3. Any person desiring to use the benefits of this Act shall apply to the Department
14 of Military and Veterans Affairs. The secretary of military and veterans affairs shall determine
15 whether the person is entitled to the benefits of this Act. The secretary of military and veterans
16 affairs may promulgate rules pursuant to chapter 1-26 to establish the procedures for determining
17 benefits, the records to be maintained, the procedures to apply for benefits, and the procedures
18 for an appeal.

19 Section 4. That § 13-55-23 be amended to read as follows:

20 13-55-23. Notwithstanding any other provisions of law, legislatively mandated exemptions,
21 whether whole or partial, from the obligation to pay tuition or other required fees apply only to
22 classes, courses and instructional programs directly supported by moneys appropriated from the
23 general fund. This section does not apply to tuition exemptions for members of the South Dakota
24 National Guard.