

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

291J0177      **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**  
**NO. HB 1200 - 02/10/2004**

Introduced by: Representative Williamson and Senator Ham-Burr

1    FOR AN ACT ENTITLED, An Act to authorize the inclusion of certain national guard  
2        members in the public employee health insurance plan.

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

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

5        3-12A-1. Terms as used in this chapter mean:

6        (1)    "Commissioner," the commissioner of the Bureau of Personnel;

7        (2)    "Covered employee," a public employee who is covered by the plan under the  
8        dependent option;

9        (3)    "Dependent," an employee's spouse and any unmarried child:

10        (a)    Under the age of nineteen years, or

11        (b)    Under the age of twenty-three and who is dependent upon the employee for  
12        support and who is enrolled as a full-time student, or

13        (c)    Regardless of age who is incapable of self-support because of mental or  
14        physical incapacity that existed prior to ~~his~~ the dependent person reaching the  
15        age of nineteen years;



1 (4) "Employer" or "participating employer," the State of South Dakota;

2 (5) "Member," a public employee who is covered by the plan as the primary insured and  
3 who has the option to elect to have ~~his~~ the member's dependents covered by the plan;

4 (6) "National guard service member," any member of a unit of the South Dakota  
5 National Guard who is not otherwise covered or eligible to be covered by a  
6 governmental health insurance plan or employer health insurance plan;

7 (7) "Plan" or "insurance plan," the public employee's insurance plan as created by this  
8 chapter;

9 ~~(7)~~(8) "Premium," the dollar amount established by the commissioner sufficient to cover  
10 the cost of the insurance plan;

11 ~~(8)~~(9) "Public employee," any person employed by the State of South Dakota or any agency,  
12 board, or commission thereof, on a permanent full-time basis and whose  
13 compensation is payable in whole or in part by the state. In any case of doubt as to  
14 who is an employee within the meaning of this chapter, the commissioner shall  
15 decide the question;

16 ~~(9)~~(10) "State," the State of South Dakota, or where applicable any agency, board, or  
17 commission thereof.

18 Section 2. That § 3-12A-2 be amended to read as follows:

19 3-12A-2. The Bureau of Personnel may establish a group health insurance plan, a group  
20 dental insurance plan, or both, for employees of the state. The plan may provide for group health  
21 and dental insurance against the financial cost of hospital, surgical, and medical treatment and  
22 care, and such other coverage or benefits, including a group life insurance plan and a group  
23 disability income insurance plan, as may be deemed appropriate and desirable by the  
24 commissioner. The commissioner may design a cafeteria-style benefit plan which allows an

1 employee to choose ~~his~~ the employee's own benefits or levels of coverage.

2 The Bureau of Personnel may establish a group health insurance plan, a group dental  
3 insurance plan, or both, for national guard service members. The plan may provide for group  
4 health and dental insurance against the financial cost of hospital, surgical, and medical treatment  
5 and care.

6 The Bureau of Personnel may promulgate rules pursuant to chapter 1-26 to establish uniform  
7 procedures for the administration of ~~the~~ any plan and to provide for uniform application of the  
8 plan. The rules may be adopted in the following areas:

- 9 (1) Participation in the plan by employees, retired employees, national guard service  
10 members, and dependents;
- 11 (2) Procedures for election of coverage;
- 12 (3) Effective dates of coverage where not specified by statute;
- 13 (4) Termination of coverage;
- 14 (5) Changes in dependent coverage; and
- 15 (6) Collection of premiums.

16 Section 3. That chapter 3-12A be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 Any member of a unit of the South Dakota Army National Guard or South Dakota Air  
19 National Guard who is not otherwise covered or eligible to be covered by a governmental health  
20 insurance plan or employer health insurance plan is eligible for health insurance coverage under  
21 this chapter if authorized by the Bureau of Personnel. The terms of such coverage may be  
22 specified in rules promulgated by the Bureau of Personnel pursuant to chapter 1-26 and may be  
23 implemented in the contract or contracts executed pursuant to § 3-12A-5.