

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

751J0593

HOUSE ENGROSSED NO. **HB 1285** - 02/12/2004

Introduced by: Representatives Nesselhuf, Cutler, Hennies, O'Brien, Olson (Ryan), and Weems and Senators Sutton (Dan), Albers, and Greenfield

1 FOR AN ACT ENTITLED, An Act to affect the premiums for persons with guarantee issue
2 health plans and to declare an emergency.

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

4 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any carrier of an in force individual health benefit plan issued in accordance with § 58-17-
7 85 prior to August 1, 2003, for which rates are established pursuant to § 58-17-75, who set and
8 charged a premium rate increase as authorized by § 58-17-142, shall report that premium rate
9 increase to the division. Only that portion of any premium rate increase attributable to the
10 enactment of § 58-17-142 may be included in the report required by this section. The reported
11 amount shall be credited to the carrier pursuant to section 2 of this Act. No carrier may charge
12 the reported amount to the insured.

13 Section 2. The amount reported by a carrier in section 1 of this Act shall be allowed as a
14 credit for that carrier on the premium tax imposed by chapter 10-44.

15 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,



- 1 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
- 2 effect from and after its passage and approval.