

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

751J0593

## HOUSE BILL NO. 1285

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 appropriate money to fund the increases in premiums for  
2 persons with guarantee issue health plans.

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 paid to the carrier pursuant to section 2 of this Act. No carrier may charge the  
12 reported amount to the insured.

13 Section 2. There is hereby appropriated from the state general fund, after the transfer of  
14 earnings from the health care trust fund created in S.D. Const., Art. XII, § 5, pursuant to § 4-5-  
15 29.1, the sum of one million two hundred thousand dollars (\$1,200,000), or so much thereof



1 as may be necessary, to the Division of Insurance to provide to carriers the amount reported in  
2 section 1 of this Act.

3 Section 3. The director of the Division of Insurance shall approve vouchers and the state  
4 auditor shall draw warrants to pay expenditures authorized by this Act.

5 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by  
6 June 30, 2005, shall revert in accordance with § 4-8-21.