

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0333

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB 1031** - 02/23/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2004 for the Departments of Social Services, Education, Corrections, and Human Services.

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

4 Section 1. That section 7 of chapter 2 of the 2003 Session Laws be amended to read as
5 follows:

6 DEPARTMENT OF SOCIAL SERVICES

7 Medical Services

8 Operating Expenses, General Funds, delete "\$83,126,535" and insert "\$81,305,557"

9 Operating Expenses, Federal Funds, delete "\$209,308,815" and insert "\$233,407,510"

10 Adjust all totals accordingly.

11 Section 2. That section 11 of chapter 2 of the 2003 Session Laws be amended to read as

12 follows:

13 DEPARTMENT OF EDUCATION

14 State Aid to General Education



1 Operating Expenses, General Funds, delete "\$268,151,418" and insert "\$218,151,418"
2 Adjust all totals accordingly.

3 Section 3. That section 15 of chapter 2 of the 2003 Session laws be amended to read as
4 follows:

5 DEPARTMENT OF CORRECTIONS

6 Juvenile Community Corrections

7 Operating Expenses, General Funds, delete "\$7,268,439" and insert "\$6,942,053"

8 Adjust all totals accordingly.

9 Section 4. That section 16 of chapter 2 of the 2003 Session Laws be amended to read as
10 follows:

11 DEPARTMENT OF HUMAN SERVICES

12 Developmental Disabilities

13 Operating Expenses, General Funds, delete "\$24,611,973" and insert "\$22,658,200"

14 South Dakota Developmental Center–Redfield

15 Personal Services, General Funds, delete "\$5,313,143" and insert "\$4,851,117"

16 Operating Expenses, General Funds, delete "\$1,740,880" and insert "\$1,628,822"

17 Rehabilitation Services

18 Operating Expenses, General Funds, delete "\$2,720,897" and insert "\$2,646,233"

19 Human Services Center

20 Personal Services, General Funds, delete "\$16,652,285" and insert "\$16,445,922"

21 Operating Expenses, General Funds, delete "\$8,082,977" and insert "\$8,047,875"

22 Community Mental Health

23 Personal Services, General Funds, delete "\$382,887" and insert "\$376,193"

24 Operating Expenses, General Funds, delete "\$10,248,064" and insert "\$9,916,479"

- 1 Adjust all totals accordingly.
- 2 Section 5. This Act is effective June 15, 2004.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0420

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **HB 1068** - 02/09/2004

Introduced by: The Committee on Appropriations at the request of the Bureau of
Administration

1 FOR AN ACT ENTITLED, An Act to establish a fund for the payment of extraordinary
2 litigation expenses, to make an appropriation therefor, and to declare an emergency.

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

4 Section 1. There is established in the state treasury the extraordinary litigation fund. The
5 fund shall be maintained separately and administered by the Bureau of Administration. The fund
6 may be used for plaintiff attorney fee awards, retention of outside counsel, or other
7 extraordinary litigation expenses not otherwise eligible to be paid under § 3-22-1. Unexpended
8 money and any interest that may be credited to the fund shall remain in the fund. The
9 extraordinary litigation fund is hereby continuously appropriated and shall be budgeted through
10 the informational budget process. The creation and funding of this fund does not constitute a
11 waiver of the state's sovereign immunity.

12 Section 2. There is hereby appropriated from the general fund the sum of one million six
13 hundred fifty thousand dollars (\$1,650,000) to the extraordinary litigation fund for payment of
14 eligible expenses.

15 Section 3. The commissioner of the Bureau of Administration shall approve vouchers for



1 payment of extraordinary expenses and the state auditor shall draw warrants to pay expenditures
2 authorized by this Act.

3 Section 4. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

717J0497

SENATE TAXATION COMMITTEE ENGROSSED NO.

HB 1087 - 02/23/2004

Introduced by: Representatives Peterson (Bill) and Olson (Mel) and Senators Bogue and Moore

1 FOR AN ACT ENTITLED, An Act to revise the property tax levies for the general fund of a
2 school district.

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

4 Section 1. That § 10-12-42 be amended to read as follows:

5 10-12-42. For taxes payable in ~~2004~~ 2005 and each year thereafter, the levy for the general
6 fund of a school district shall be as follows:

7 (1) The maximum tax levy shall be ~~twelve~~ eleven dollars and ~~four~~ forty-five cents per
8 thousand dollars of taxable valuation subject to the limitations on agricultural
9 property as provided in subdivision (2) of this section, owner-occupied property as
10 provided for in subdivision (3) of this section, and nonagricultural acreage property
11 as provided for in subdivision (4) of this section;

12 (2) The maximum tax levy on agricultural property for such school district shall be three
13 dollars and ~~forty-nine~~ thirty-two cents per thousand dollars of taxable valuation. If
14 the district's levies are less than the maximum levies as stated in this section, the
15 levies shall maintain the same proportion to each other as represented in the



1 mathematical relationship at the maximum levies;

2 (3) The maximum tax levy for an owner-occupied single-family dwelling as defined in
3 § 10-13-40, for such school district may not exceed five dollars and ~~sixty-two~~ thirty-
4 four cents per thousand dollars of taxable valuation. If the district's levies are less
5 than the maximum levies as stated in this section, the levies shall maintain the same
6 proportion to each other as represented in the mathematical relationship at the
7 maximum levies; and

8 (4) The maximum tax levy on nonagricultural acreage property as defined in
9 § 10-6-33.14, for such school district shall be four dollars and ~~forty-nine~~ thirty-two
10 cents per thousand dollars of taxable valuation. If the district's levies are less than the
11 maximum levies as stated in this section, the levies shall maintain the same
12 proportion to each other as represented in the mathematical relationship at the
13 maximum levies.

14 All levies in this section shall be imposed on valuations where the median level of
15 assessment represents eighty-five percent of market value as determined by the Department of
16 Revenue and Regulation. These valuations shall be used for all school funding purposes. If the
17 district has imposed an excess levy pursuant to § 10-12-43, the levies shall maintain the same
18 proportion to each other as represented in the mathematical relationship at the maximum levies
19 in this section. The school district may elect to tax at less than the maximum amounts set forth
20 in this section.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

439J0700

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1191** - 02/21/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives McCaulley, Bartling, Begalka, Christensen, Davis, Deadrick (Thomas), Dykstra, Frost, Fryslie, Garnos, Gassman, Gillespie, Glenski, Hackl, Hanson, Haverly, Heineman, Hennies, Hunhoff, Juhnke, Klaudt, Koistinen, Konold, Kraus, Lange, Lintz, Madsen, McCoy, Michels, Miles, Novstrup, Olson (Ryan), Peterson (Bill), Peterson (Jim), Rave, Rhoden, Rounds, Schafer, Sebert, Smidt, Solum, Teupel, Van Etten, Van Gerpen, Weems, Wick, and Williamson and Senators Schoenbeck, Abdallah, Albers, Apa, Bogue, Earley, Greenfield, Jaspers, Kelly, Kleven, Kloucek, Koetzle, Koskan, McCracken, Moore, Napoli, Sutton (Duane), and Vitter

1 FOR AN ACT ENTITLED, An Act to establish certain legislative findings regarding the
2 termination of an unborn human life, revise certain provisions regarding the informed
3 consent necessary for an abortion, and to declare an emergency.

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

5 Section 1. The Legislature finds that a human being at any stage of development or aging,
6 from the beginning of life until death, is a separate and distinct person. At the beginning of
7 human life, a person begins to exist and personhood is determined only by the fact that a person
8 is a human being, and not by any other status, circumstance, or factor.

9 Section 2. The Legislature finds that since the United States Constitution and federal court
10 decisions have not resolved the question of the beginning of human life, it is within the power
11 of this Legislature to do so. Science overwhelmingly proves and validates that fertilization of



1 a human ovum by a human sperm marks the beginning of the life of a new and distinct human
2 being.

3 Section 3. The Legislature finds that a person in the stage of development from the
4 beginning of life until birth, considered an unborn child, is due all the rights and privileges
5 granted under law to a person beyond that stage of development. South Dakota law recognizes
6 a human being who is in the stage of development from the beginning of life until birth as a
7 separate and distinct person. The State of South Dakota has a compelling and paramount interest
8 in the preservation and protection of all persons within and subject to its jurisdiction. This
9 protection applies to all persons at any stage of development or aging, from the beginning of life
10 until death. Biological parents of unborn children have interests entitled to protection in the life,
11 health, and well-being of their unborn child.

12 Section 4. That § 34-23A-10.1 be amended to read as follows:

13 34-23A-10.1. No abortion may be performed except with the voluntary and informed
14 consent of the female upon whom the abortion is to be performed. Except in the case of a
15 medical emergency, consent to an abortion is voluntary and informed only if:

16 (1) The female is told the following by the physician who is to perform the abortion or
17 by the referring physician, at least twenty-four hours before the abortion:

18 (a) The name of the physician who will perform the abortion;

19 (b) The particular medical risks associated with the particular abortion procedure
20 to be employed including, when medically accurate, the risks of infection,
21 hemorrhage, danger to subsequent pregnancies, and infertility;

22 (c) The probable gestational age of the unborn child at the time the abortion is to
23 be performed; and

24 (d) The medical risks associated with carrying her child to term;

1 (2) The female is informed, by telephone or in person, by the physician who is to
2 perform the abortion, by the referring physician, or by an agent of either, at least
3 twenty-four hours before the abortion:

4 (a) That medical assistance benefits may be available for prenatal care, childbirth,
5 and neonatal care;

6 (b) That the father is liable to assist in the support of her child, even in instances
7 in which the father has offered to pay for the abortion; and

8 (c) That she has the right to review the printed materials described in
9 § 34-23A-10.3 and the website described in § 34-23A-10.4. The physician or
10 the physician's agent shall orally inform the female that the materials have
11 been provided by the State of South Dakota at no charge to the female. If the
12 female chooses to view the materials, they shall either be given to her at least
13 twenty-four hours before the abortion or mailed to her at least seventy-two
14 hours before the abortion by certified mail, restricted delivery to addressee,
15 which means the postal employee can only deliver the mail to the addressee;

16 (3) The female certifies in writing, prior to the abortion, that the information described
17 in subdivisions (1) and (2) of this section has been furnished her, and that she has
18 been informed of her opportunity to review the information described in
19 § 34-23A-10.3; and

20 (4) Prior to the performance of the abortion, the physician who is to perform the abortion
21 or the physician's agent receives a copy of the written certification prescribed by
22 subdivision (3) and certifies in writing that the information described in subdivisions
23 (1) and (2) of this section has been provided to the female and that the physician
24 believes that the female has had sufficient time to review and understand that

1 information.

2 The physician may provide the information prescribed in subdivision (1) by telephone
3 without conducting a physical examination or tests of the patient, in which case the information
4 required to be supplied may be based on facts supplied the physician by the female and whatever
5 other relevant information is reasonably available to the physician.

6 Section 5. The Legislature finds that procedures terminating the life of an unborn child
7 impose risks to the life and health of the pregnant mother, including the possibility of causing
8 depression, suicide or suicidal ideation, post traumatic stress disorder or other mental and
9 emotional trauma, physical injury, and death. The Legislature further finds that a woman
10 seeking to terminate the life of her unborn child may be subject to pressures which can cause
11 an emotional crisis, undue reliance on the advice of others, clouded judgment, and a willingness
12 to violate conscience to avoid those pressures. The Legislature therefore finds that great care
13 must be taken to provide a woman seeking to terminate the life of her unborn child with
14 complete and accurate information and adequate time to understand and consider that
15 information in order to make a fully informed and voluntary consent to the termination.

16 Section 6. Whereas, this Act is necessary for the immediate preservation of the public peace,
17 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
18 effect from and after its passage and approval.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

841J0539

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB 1218** - 02/23/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Van Etten, Adelstein, Bartling, Christensen, Elliott, Frost, Glenski, Hanson, Hunhoff, Kraus, Lange, LaRue, McCoy, Michels, Miles, Peterson (Bill), Peterson (Jim), Rave, Thompson, and Weems and Senators Sutton (Duane), Brown, Dempster, Ham-Burr, Knudson, McCracken, Reedy, Schoenbeck, and Symens

1 FOR AN ACT ENTITLED, An Act to require the Department of Health to provide certain
2 information to the Legislature regarding the funding for tobacco use prevention and
3 reduction programs.

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

5 Section 1. That § 34-46-11 be amended to read as follows:

6 34-46-11. The Department of Health shall submit an annual report to the Governor and the
7 Legislature not later than October first of each year. The annual report shall detail the progress
8 toward meeting program goals and objectives, including reporting on changes in tobacco
9 consumption, tobacco use rates, and attitudes towards tobacco, especially among children and
10 other high risk populations; the name and location of organizations receiving grant or contract
11 awards; the amount and duration of such awards and their purpose, and the organizations'
12 administrative costs; and total program spending and sources of funding for the prior fiscal year
13 within each program area outlined in § 34-46-10. The secretary shall make the report available



- 1 electronically by posting such report on the Department of Health's website not later than thirty
- 2 days after the report is submitted to the Governor and the Legislature.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

177J0117

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB 1248** - 02/07/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Rounds, Olson (Ryan), and Pederson (Gordon) and Senators de Hueck and Koskan

1 FOR AN ACT ENTITLED, An Act to permit counties, in the absence of an organized township,
2 to maintain, and improve certain public rights-of-way.

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

4 Section 1. That § 31-13-51 be amended to read as follows:

5 31-13-51. The township board of supervisors or, in the case of any township which is no
6 longer organized, the board of county commissioners, prior to the assessment of real property
7 within the township for the next fiscal year, may levy annually for the purpose of maintaining
8 or repairing street surfaces, whether of a permanent type or not, a special front foot assessment
9 not to exceed eighty cents per front foot upon the real property fronting and abutting the
10 roadway. Such assessment shall be apportioned on a front foot basis and shall be levied pursuant
11 to § 31-13-52.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

184J0094

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1275 - 02/04/2004

Introduced by: Representatives Kraus, Adelstein, Gillespie, Hennies, McCaulley, Michels, Novstrup, Olson (Mel), Peterson (Bill), Sebert, Teupel, and Van Etten and Senators Abdallah, Bogue, de Hueck, Duenwald, Duniphan, Ham-Burr, McCracken, and Moore

1 FOR AN ACT ENTITLED, An Act to require chemical tests of drivers involved in accidents
2 resulting in serious bodily injury.

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

4 Section 1. That § 32-23-10 be amended to read as follows:

5 32-23-10. Any person who operates any vehicle in this state is considered to have given
6 consent to the withdrawal of blood or other bodily substance and chemical analysis of the
7 person's blood, breath, or other bodily substance to determine the amount of alcohol in the
8 person's blood and to determine the presence of marijuana or any controlled drug or substance.

9 The person shall be requested by the officer to submit to the withdrawal of blood or other
10 bodily substance for chemical analysis or chemical analysis of the person's breath and shall be
11 advised by the officer that:

12 (1) If the person refuses to submit to the withdrawal or chemical analysis, no withdrawal
13 or chemical analysis may be required unless the person has been arrested for a third,
14 fourth, or subsequent violation of § 32-23-1, constituting a felony offense under



1 § 32-23-4 or 32-23-4.6 ~~or~~ has been arrested for vehicular homicide under § 22-16-41
2 or vehicular battery under § 22-16-42; or has been involved in an accident resulting
3 in death or serious bodily injury of another person;

4 (2) If the person refuses to submit to the withdrawal or chemical analysis, the person's
5 driver's license shall be revoked for one year, unless pursuant to § 32-23-11.1 the
6 person pleads guilty to a violation of § 32-23-1 or 32-23-21, prior to a revocation
7 order being issued; and

8 (3) The person has the right to have a chemical analysis performed by a technician of the
9 person's own choosing at the person's own expense, in addition to the test requested
10 by the officer.

11 Section 2. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 For purposes of § 32-23-10, serious bodily injury is such injury as is grave and not trivial,
14 and gives rise to apprehension of danger to life, health, or limb.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

459J0618

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1298 - 02/23/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Olson (Ryan), Cutler, Kraus, and Rave and Senators Ham-Burr, Abdallah, de Hueck, Jaspers, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to establish one rate for the telephone gross receipts tax and
2 to provide uniform methods to administer the tax.

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

4 Section 1. That § 10-33-21 be amended to read as follows:

5 10-33-21. All persons, corporations, cooperatives, and associations engaged in furnishing
6 and providing telephone and exchange service comprising rental and toll service by means of
7 wired circuits and otherwise and whose annual gross receipts are less than fifty million dollars
8 shall be taxed on the basis of gross receipts, ~~according to one of the two following schedules at~~
9 the rate of four percent. ~~Whichever schedule provides the lesser percentage of tax shall be~~
10 ~~applied by the Department of Revenue:~~

11 ~~————— SCHEDULE A~~

12		Percentage of
13	Average Number of Customers	Tax on
14	Per Mile of Line (Density)	Gross Revenue



1	Not more than 1	2
2	More than 1, but not more than 2	3
3	More than 2	4

4 ~~_____~~ SCHEDULE B

5			Percentage of
6			Tax on
7	Gross Annual Revenue		Gross Revenue
8	Not more than	\$ 15,000	2
9	More than \$15,000, but not more than	20,000	3
10	More than \$20,000, but not more than	50,000,000	4

11 However, no telephone company operating in this state ~~shall~~ may be taxed less than an
 12 amount equal to fifty cents per year per telephone serviced. Further, each telephone company
 13 that was taxed in the five percent tax category for the calendar year 2001 shall pay an amount
 14 of tax to each school district of not less than the tax received by such school district in 2002 for
 15 the years 2003 and 2004; ~~and each year thereafter, the tax paid shall be as provided in~~
 16 ~~SCHEDULE A or SCHEDULE B of this section.~~

17 Section 2. That § 10-33-22 be amended to read as follows:

18 10-33-22. ~~The term, average number of customers per mile of line (density), as used in~~
 19 ~~§ 10-33-21 means total number of subscribers, customers, or patrons in this state, divided by~~
 20 ~~the total number of miles of line of such person, company, corporation, cooperative, or~~
 21 ~~association in this state. The term, line, as used in §§ 10-33-21 and 10-33-22 shall not~~
 22 ~~necessarily mean a single circuit but shall be the aggregate of all communications transmission~~
 23 ~~circuits, voice or otherwise, and associated attachments and appurtenances thereto. Such~~
 24 ~~persons, corporations, cooperatives, and associations are herein referred to as "companies." The~~
 25 term, company, means any person, corporation, cooperative, association, or other entity

1 providing telephone and exchange service, rental and toll service.

2 Section 3. That § 10-33-27 be amended to read as follows:

3 10-33-27. If the tax levied under § 10-33-21 is not paid on the due date a penalty of up to
4 five percent of the amount of the tax ~~shall~~ may be imposed for each month of delinquency, and
5 if any telephone company ~~shall fail~~ fails to report its gross receipts to the secretary of revenue
6 and regulation, ~~said the~~ the company ~~shall~~ may be penalized up to twenty-five percent of the tax
7 due. ~~Provided, further, that such~~ Such tax may be enforced and collected by distress and sale of
8 the personal and real property of such company in the same manner as is now provided for the
9 collection of real property taxes and mobile home taxes pursuant to chapter 10-22. The tax
10 levied under § 10-33-21 shall be administered pursuant to chapter 10-59, unless a contrary
11 provision in this chapter applies.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

119J0566

SENATE EDUCATION COMMITTEE ENGROSSED NO.

HB 1307 - 02/19/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Teupel, Klaudt, McCaulley, McLaughlin, and Peterson (Bill)
and Senators Knudson, Bogue, and McCracken

1 FOR AN ACT ENTITLED, An Act to revise the calculation of state aid to education.

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

3 Section 1. That § 13-13-10.1 be amended to read as follows:

4 13-13-10.1. Terms used in this chapter mean:

5 (1) "Average daily membership," the average number of resident and nonresident

6 kindergarten through twelfth grade pupils enrolled in all schools operated by the

7 school district during the previous regular school year, minus average number of

8 pupils for whom the district receives tuition, except pupils described in subdivision

9 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the

10 average number of pupils for whom the district pays tuition;

11 (1A) Nonresident students who are in the care and custody of the Department of Social

12 Services, the Unified Judicial System, the Department of Corrections, or other state

13 agencies and are attending a public school may be included in the average daily

14 membership of the receiving district when enrolled in the receiving district. When



1 counting a student who meets these criteria in its general enrollment average daily
2 membership, the receiving district may begin the enrollment on the first day of
3 attendance. The district of residence prior to the custodial transfer may not include
4 students who meet these criteria in its general enrollment average daily membership
5 after the student ceases to attend school in the resident district;

6 (2) "Adjusted average daily membership," calculated as follows for all districts except
7 those defined in subdivision (2A):

8 (a) For districts with an average daily membership of two hundred or less,
9 multiply 1.2 times the average daily membership;

10 (b) For districts with an average daily membership of less than six hundred, but
11 greater than two hundred, raise the average daily membership to the 0.8293
12 power and multiply the result times 2.98;

13 (c) For districts with an average daily membership of six hundred or more,
14 multiply 1.0 times their average daily membership;

15 (2A) "Adjusted average daily membership," calculated as follows for districts larger than
16 three hundred ninety-nine square miles and that serve grades kindergarten through
17 twelfth grade:

18 (a) For districts with an average daily membership of one hundred thirty or less,
19 multiply 1.3 times the average daily membership;

20 (b) For districts with an average daily membership of less than six hundred, but
21 greater than one hundred thirty, raise the average daily membership to the
22 0.8284523 power and multiply the result times 2.9963;

23 (c) For districts with an average daily membership of six hundred or more,
24 multiply 1.0 times their average daily membership;

- 1 (3) "Index factor," is the annual percentage change in the consumer price index for urban
2 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
3 the United States Department of Labor for the year before the year immediately
4 preceding the year of adjustment or three percent, whichever is less;
- 5 (4) "Per student allocation," for school fiscal year 2004 is \$3,967.88. Each school fiscal
6 year thereafter, the per student allocation is the previous fiscal year's per student
7 allocation increased by the index factor;
- 8 (5) "Local need," the per student allocation multiplied by the adjusted average daily
9 membership;
- 10 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
11 applying the levies established pursuant to § 10-12-42;
- 12 (7) "General fund balance," the unreserved fund balance of the general fund, less general
13 fund exclusions plus, beginning with transfers made in fiscal year 2001, any transfers
14 out of the general fund for the previous school fiscal year;
- 15 (8) "General fund balance percentage," is a school district's general fund balance divided
16 by the school district's total general fund expenditures for the previous school fiscal
17 year, the quotient expressed as a percent;
- 18 (9) "General fund base percentage," is the general fund balance percentage as of June 30,
19 2000. However, the general fund base percentage can never increase and can never
20 be less than twenty percent;
- 21 (10) "Allowable general fund balance," the fund base percentage multiplied by the
22 district's general fund expenditures in the previous school fiscal year;
- 23 (11) "Imputed interest rate," the average prime rate for the preceding fiscal year minus 2.5
24 percentage points;

1 (12) "General fund exclusions," revenue a school district has received from the imposition
2 of the excess tax levy pursuant to § 10-12-43; revenue a school district has received
3 from gifts, contributions, grants, or donations; revenue a school district has received
4 under the provisions of §§ 13-6-92 to 13-6-96, inclusive; and any revenue in the
5 general fund set aside for a noninsurable judgment.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0776

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **HB 1308** - 02/10/2004

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to establish the sales tax on food refund program and to
2 make an appropriation therefor.

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

4 Section 1. There is established the sales tax on food refund program to be administered by
5 the Department of Social Services. The purpose of the program is to provide sales tax refunds
6 on food for purchases made in accordance with chapters 10-45 and 10-46 to South Dakota
7 families who need it most.

8 Section 2. To be eligible for the sales tax on food refund program, a person shall:

- 9 (1) Be a South Dakota resident;
- 10 (2) Be the head of the household and certify the number of persons in the household;
- 11 (3) Have countable income at or below one hundred fifty percent of the federal poverty
12 level, as updated annually by the United States Department of Health and Human
13 Services and published in the Federal Register.

14 Section 3. The Department of Social Services shall promulgate rules, pursuant to chapter
15 1-26, relating to:



- 1 (1) Eligibility criteria;
- 2 (2) Refund amounts or levels;
- 3 (3) Payment provisions;
- 4 (4) Household reporting requirements; and
- 5 (5) Recoveries.

6 Section 4. To receive sales tax on food refunds pursuant to this Act, a household shall:

- 7 (1) Apply for a quarterly refund on forms prescribed by the Department of Social
8 Services using the prior three month periods's income;
- 9 (2) Certify that any refund received will only be used to purchase food as defined in
10 sections 5 and 6 of this Act; and
- 11 (3) Report quarterly on forms prescribed by the Department of Social Services to
12 continue eligibility for a refund.

13 Section 5. That § 10-45-1 be amended by adding thereto four NEW SUBDIVISIONS to read
14 as follows:

15 "Food" and "food ingredient," any substance, whether in liquid, concentrated, solid, frozen,
16 dried, or dehydrated form, that is sold for ingestion or chewing by humans and is consumed for
17 its taste or nutritional value. The term, food, does not include alcoholic beverages, tobacco, or
18 prepared food;

19 "Soft drinks," any nonalcoholic beverages that contain natural or artificial sweeteners. The
20 term, soft drinks, does not include any beverage that contains milk or milk products, soy, rice
21 of similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume;

22 "Candy," any preparation of sugar, honey, or other natural or artificial sweeteners in
23 combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars,
24 drops, or pieces. The term, candy, does not include any preparation containing flour and does

1 not require refrigeration;

2 "Prepared food," any food sold in a heated state or heated by the seller. The term, prepared
3 food, does not include:

4 (a) Two or more food ingredients mixed or combined by the seller for sale as a single
5 item;

6 (b) Food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat,
7 poultry, and foods containing these raw animal foods requiring cooking by the
8 consumer as recommended by the Food and Drug Administration in chapter 3, part
9 401.11 of its Food Code as of January 1, 2003, so as to prevent food borne illnesses;
10 or

11 (c) Food sold with eating utensils provided by the seller, including plates, knives, forks,
12 spoons, glasses, cups, napkins, or straws. A plate does not include a container or
13 packaging used to transport the food.

14 Section 6. That § 10-46-1 be amended by adding thereto four NEW SUBDIVISIONS to read
15 as follows:

16 "Food" and "food ingredient," any substance, whether in liquid, concentrated, solid, frozen,
17 dried, or dehydrated form, that is sold for ingestion or chewing by humans and is consumed for
18 its taste or nutritional value. The term, food, does not include alcoholic beverages, tobacco, or
19 prepared food;

20 "Soft drinks," any nonalcoholic beverages that contain natural or artificial sweeteners. The
21 term, soft drinks, does not include any beverage that contains milk or milk products, soy, rice
22 of similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume;

23 "Candy," any preparation of sugar, honey, or other natural or artificial sweeteners in
24 combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars,

1 drops, or pieces. The term, candy, does not include any preparation containing flour and does
2 not require refrigeration;

3 "Prepared food," any food sold in a heated state or heated by the seller. The term, prepared
4 food, does not include:

5 (a) Two or more food ingredients mixed or combined by the seller for sale as a single
6 item;

7 (b) Food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat,
8 poultry, and foods containing these raw animal foods requiring cooking by the
9 consumer as recommended by the Food and Drug Administration in chapter 3, part
10 401.11 of its Food Code as of January 1, 2003, so as to prevent food borne illnesses;

11 or

12 (c) Food sold with eating utensils provided by the seller, including plates, knives, forks,
13 spoons, glasses, cups, napkins, or straws. A plate does not include a container or
14 packaging used to transport the food.

15 Section 7. At the time in which a household has been accepted into the sales tax on food
16 refund program, the household is entitled to a quarterly refund of the estimated amount of sales
17 tax on food paid as determined in section 8 of this Act.

18 Section 8. The estimate of sales tax on food paid or refund awarded under this program shall
19 be determined based on:

20 (1) The thrifty food plan as determined annually by the United States Department of
21 Agriculture; and

22 (2) The number of individuals in the household.

23 A monthly allotment shall be determined based on the thrifty food plan's maximum
24 allotment and the corresponding number of individuals in the household. Once the monthly

1 allotment is determined, it shall be annualized and multiplied by the average sales tax rate in
2 South Dakota as determined by the Department of Revenue and Regulation. This shall be the
3 annual level of refund eligible for the household. The annual refund shall be converted to a
4 quarterly refund. This shall be the amount of eligible refund to the household.

5 Section 9. If a household is a participant in the food stamp program for any of the period in
6 which a refund is computed under section 8 of this Act, those food stamp benefits shall be
7 deducted from any refund received under the provisions of this Act.

8 Section 10. The method of payment utilized to make payments authorized by this Act shall
9 be made by electronic debit card or by paper warrant.

10 Section 11. There is hereby appropriated from the state general fund the sum of five million
11 dollars (\$5,000,000), or so much thereof as may be necessary, and two million two hundred fifty
12 thousand dollars (\$2,250,000) of other fund expenditure authority, or so much thereof as may
13 be necessary, to the Department of Social Services for payment of eligible expenses authorized
14 by this Act .

15 Section 12. The secretary of the Department of Social Services shall approve vouchers and
16 the state auditor shall draw warrants to pay expenditures authorized by this Act.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0774

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1311** - 02/23/2004

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for the regulation of pharmacy benefits
2 management.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Covered entity," a nonprofit hospital or medical service corporation, health insurer,
6 health benefit plan, or health maintenance organization; a health program
7 administered by a department or the state in the capacity of provider of health
8 coverage; or an employer, labor union, or other group of persons organized in the
9 state that provides health coverage to covered individuals who are employed or reside
10 in the state. The term does not include a self-funded plan that is exempt from state
11 regulation pursuant to ERISA, a plan issued for coverage for federal employees, or
12 a health plan that provides coverage only for accidental injury, specified disease,
13 hospital indemnity, medicare supplement, disability income, long- term care, or other
14 limited benefit health insurance policies and contracts;

15 (2) "Covered individual," a member, participant, enrollee, contract holder, policy holder,



1 or beneficiary of a covered entity who is provided health coverage by the covered
2 entity. The term includes a dependent or other person provided health coverage
3 through a policy, contract, or plan for a covered individual;

4 (3) "Director," the director of the Division of Insurance;

5 (4) "Generic drug," a chemically equivalent copy of a brand-name drug with an expired
6 patent;

7 (5) "Labeler," an entity or person that receives prescription drugs from a manufacturer
8 or wholesaler and repackages those drugs for later retail sale and that has a labeler
9 code from the federal Food and Drug Administration under 21 C.F.R. § 270.20
10 (1999);

11 (6) "Pharmacy benefits management," the procurement of prescription drugs at a
12 negotiated rate for dispensation within this state to covered individuals, the
13 administration or management of prescription drug benefits provided by a covered
14 entity for the benefit of covered individuals, or any of the following services provided
15 with regard to the administration of the following pharmacy benefits:

16 (a) Mail service pharmacy;

17 (b) Claims processing, retail network management, and payment of claims to
18 pharmacies for prescription drugs dispensed to covered individuals;

19 (c) Clinical formulary development and management services;

20 (d) Rebate contracting and administration;

21 (e) Certain patient compliance, therapeutic intervention, and generic substitution
22 programs; and

23 (f) Disease management programs involving prescription drug utilization;

24 (7) "Pharmacy benefits manager," an entity that performs pharmacy benefits

1 management. The term includes a person or entity acting for a pharmacy benefits
2 manager in a contractual or employment relationship in the performance of pharmacy
3 benefits management for a covered entity and includes mail service pharmacy. The
4 term does not include a health carrier licensed pursuant to Title 58 when the health
5 carrier or its subsidiary is providing pharmacy benefits management to its own
6 insureds; or a public self-funded pool or a private single employer self-funded plan
7 that provides such benefits or services directly to its beneficiaries;

8 (8) "Proprietary information," information on pricing, costs, revenue, taxes, market
9 share, negotiating strategies, customers, and personnel held by private entities and
10 used for that private entity's business purposes;

11 (9) "Trade secret," information, including a formula, pattern, compilation, program,
12 device, method, technique, or process, that:

13 (a) Derives independent economic value, actual or potential, from not being
14 generally known to, and not being readily ascertainable by proper means by,
15 other persons who can obtain economic value from its disclosure or use; and

16 (b) Is the subject of efforts that are reasonable under the circumstances to
17 maintain its secrecy.

18 Section 2. No person or entity may perform or act as a pharmacy benefits manager in this
19 state without a valid license to operate as a third party administrator pursuant to chapter 58-29D.

20 Section 3. Each pharmacy benefits manager shall perform its duties exercising good faith
21 and fair dealing toward the covered entity.

22 Section 4. A covered entity may request that any pharmacy benefits manager with which it
23 has a pharmacy benefits management services contract disclose to the covered entity, the
24 amount of all rebate revenues and the nature, type, and amounts of all other revenues that the

1 pharmacy benefits manager receives from each pharmaceutical manufacturer or labeler with
2 whom the pharmacy benefits manager has a contract. The pharmacy benefits manager shall
3 disclose in writing:

4 (1) The aggregate amount, and for a list of drugs to be specified in the contract, the
5 specific amount, of all rebates and other retrospective utilization discounts received
6 by the pharmacy benefits manager directly or indirectly, from each pharmaceutical
7 manufacturer or labeler that are earned in connection with the dispensing of
8 prescription drugs to covered individuals of the health benefit plans issued by the
9 covered entity or for which the covered entity is the designated administrator;

10 (2) The nature, type, and amount of all other revenue received by the pharmacy benefits
11 manager directly or indirectly from each pharmaceutical manufacturer or labeler for
12 any other products or services provided to the pharmaceutical manufacturer or labeler
13 by the pharmacy benefits manager with respect to programs that the covered entity
14 offers or provides to its enrollees; and

15 (3) Any prescription drug utilization information requested by the covered entity relating
16 to covered individuals.

17 A pharmacy benefits manager shall provide such information requested by the covered entity
18 for such disclosure within thirty days of receipt of the request. If requested, the information shall
19 be provided no less than once each year. The contract entered into between the pharmacy
20 benefits manager and the covered entity shall set forth any fees to be charged for drug utilization
21 reports requested by the covered entity.

22 Section 5. A pharmacy benefits manager, unless authorized pursuant to the terms of its
23 contract with a covered entity, may not contact any covered individual without express written
24 permission of the covered entity.

1 Section 6. Except for utilization information, a covered entity shall maintain any information
2 disclosed in response to a request pursuant to section 4 of this Act as confidential and
3 proprietary information, and may not use such information for any other purpose or disclose
4 such information to any other person except as provided in this Act or in the pharmacy benefits
5 management services contract between the parties. Any covered entity who discloses
6 information in violation of this section is subject to an action for injunctive relief and is liable
7 for any damages which are the direct and proximate result of such disclosure. Nothing in this
8 section prohibits a covered entity from disclosing confidential or proprietary information to the
9 director, upon request. Any such information obtained by the director is confidential and
10 privileged and is not open to public inspection or disclosure.

11 Section 7. The covered entity may have the pharmacy benefits manager's books and records
12 related to the rebates or other information described in subdivisions (1), (2), and (3) of section
13 4 of this Act, to the extent the information relates directly or indirectly to such covered entity's
14 contract, audited in accordance with the terms of the pharmacy benefits management services
15 contract between the parties. However, if the parties have not expressly provided for audit rights
16 and the pharmacy benefits manager has advised the covered entity that other reasonable options
17 are available and subject to negotiation, the covered entity may have such books and records
18 audited as follows:

- 19 (1) Such audits may be conducted no more frequently than once in each twelve-month
20 period upon not less than thirty business days' written notice to the pharmacy benefits
21 manager;
- 22 (2) The covered entity may select an independent firm to conduct such audit, and such
23 independent firm shall sign a confidentiality agreement with the covered entity and
24 the pharmacy benefits manager ensuring that all information obtained during such

1 audit will be treated as confidential. The firm may not use, disclose, or otherwise
2 reveal any such information in any manner or form to any person or entity except as
3 otherwise permitted under the confidentiality agreement. The covered entity shall
4 treat all information obtained as a result of the audit as confidential, and may not use
5 or disclose such information except as may be otherwise permitted under the terms
6 of the contract between the covered entity and the pharmacy benefits manager or if
7 ordered by a court of competent jurisdiction for good cause shown;

8 (3) Any such audit shall be conducted at the pharmacy benefits manager's office where
9 such records are located, during normal business hours, without undue interference
10 with the pharmacy benefits manager's business activities, and in accordance with
11 reasonable audit procedures.

12 Section 8. With regard to the dispensation of a substitute prescription drug for a prescribed
13 drug to a covered individual, when the pharmacy benefits manager requests a substitution, the
14 following provisions apply:

15 (1) The pharmacy benefits manager may request the substitution of a lower-priced
16 generic and therapeutically equivalent drug for a higher-priced prescribed drug;

17 (2) With regard to substitutions in which the substitute drug's net cost is more for the
18 covered individual or the covered entity than the prescribed drug, the substitution
19 must be made only for medical reasons that benefit the covered individual. If a
20 substitution is being requested pursuant to this subdivision, the pharmacy benefits
21 manager shall obtain the approval of the prescribing health professional.

22 Nothing in this section permits the substitution of an equivalent drug product contrary to
23 § 36-11-46.2

24 Section 9. The Division of Insurance shall promulgate rules, pursuant to chapter 1-26, to

1 carry out the issuance of the license required by section 2 of this Act and the enforcement
2 provisions of this Act. The rules may include the following:

3

- 4 (1) Definition of terms;
- 5 (2) Use of prescribed forms;
- 6 (3) Reporting requirements;
- 7 (4) Enforcement procedures; and
- 8 (5) Protection of proprietary information and trade secrets.

9 Section 10. Any covered entity may bring a civil action to enforce the provisions of this Act
10 or to seek civil damages for the violation of its provisions.

11 Section 11. The provisions of this Act apply only to pharmacy benefits management services
12 contracts entered into or renewed after June 30, 2004.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

733J0781

SENATE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. HCR 1011 -
02/21/2004

Introduced by: Representatives Hunhoff, Craddock, Cutler, Dykstra, Frost, Garnos, Gillespie, Glenski, Hanson, Hargens, Koistinen, Konold, Kraus, Lange, LaRue, Madsen, McCoy, McLaughlin, Miles, Novstrup, Olson (Ryan), Peterson (Bill), Peterson (Jim), Rave, Schafer, Van Etten, Van Gerpen, Weems, and Wick and Senators Olson (Ed), Apa, Brown, de Hueck, Dempster, Ham-Burr, Jaspers, Kelly, Knudson, Koskan, McCracken, Schoenbeck, Sutton (Duane), Symens, and Vitter

1 A CONCURRENT RESOLUTION, Requesting all school districts in South Dakota to review
2 the sale of soft drinks and junk foods during school hours.

3 WHEREAS, the consumption of soft drinks, sports drinks, and fruit juices in the United
4 States has increased by five hundred percent over the past fifty years; and

5 WHEREAS, the continued increase in soft drink consumption among adolescents raises a
6 national concern about the health effects of soft drinks; and

7 WHEREAS, heavy consumption of sugar-containing soft drinks can also lead to excessive
8 amounts of sugar intake, and is thus thought to be associated with the current epidemic of
9 obesity and type II diabetes among children; and

10 WHEREAS, the phosphorus content of soft drinks may reduce calcium absorption and
11 contribute to osteoporosis; and

12 WHEREAS, soft drinks with sugar and low pH can cause dental cavities and cause erosion



1 on teeth; and

2 WHEREAS, the sale of soft drinks and foods of minimal nutritional value in schools can
3 contribute to poor nutrition in school-age children; and

4 WHEREAS, the sale of soft drinks represents a common commercial activity for school
5 districts:

6 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
7 ninth Legislature of the State of South Dakota, the Senate concurring therein, that the South
8 Dakota Legislature requests all school districts in South Dakota to review the sale of soft drinks
9 and foods of minimal nutritional value in schools during school hours.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

367J0798

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HJR 1003** - 02/23/2004

Introduced by: Representatives Michels, Adelstein, Bartling, Begalka, Bradford, Buckingham, Burg, Christensen, Craddock, Cutler, Davis, Dadrick (Thomas), Dykstra, Elliott, Engels, Frost, Fryslie, Garnos, Gassman, Glenski, Hackl, Hanson, Hargens, Haverly, Heineman, Hennies, Hundstad, Hunhoff, Juhnke, Klaudt, Konold, Kraus, Kroger, Lange, LaRue, Lintz, Madsen, McCaulley, McCoy, McLaughlin, Miles, Murschel, Novstrup, O'Brien, Olson (Mel), Olson (Ryan), Pederson (Gordon), Peterson (Bill), Peterson (Jim), Putnam, Rave, Rhoden, Rounds, Schafer, Sebert, Sigdestad, Smidt, Solum, Teupel, Valandra, Van Etten, Van Gerpen, Van Norman, Weems, Wick, and Williamson and Senators Moore, Abdallah, Albers, Apa, Brown, de Hueck, Dempster, Dennert, Duenwald, Duniphan, Duxbury, Earley, Greenfield, Ham-Burr, Jaspers, Kelly, Kloucek, Knudson, Koetzle, Koskan, Kurtenbach, LaPointe, McCracken, Nachtigal, Napoli, Olson (Ed), Reedy, Schoenbeck, Sutton (Dan), Sutton (Duane), Symens, and Vitter

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election
2 amendments to Article VIII of the Constitution of the State of South Dakota to authorize the
3 provision of certain services to all children of school age.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH
5 DAKOTA, THE SENATE CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to
7 Article VIII, section 20 of the Constitution of the State of South Dakota, as set forth in section
8 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the
9 state for approval.



1 Section 2. That Article VIII, section 20 of the Constitution, of the State of South Dakota, be
2 amended to read as follows:

3 § 20. Notwithstanding the provisions of section 3, Article VI and section 16, Article VIII,
4 the Legislature may authorize the loaning of nonsectarian textbooks ~~to all~~ and may authorize the
5 participation in transportation, technology, and food services for children of school age.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0231

HOUSE ENGROSSED NO. **SB 7** - 02/21/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on State Affairs at the request of the Department of Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to revise the tuition privileges available to members of the
2 national guard at state universities.

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

4 Section 1. That § 33-6-5 be amended to read as follows:

5 33-6-5. Any member of the National Guard of the State of South Dakota ~~who is a resident~~
6 ~~of the State of South Dakota shall~~ is, upon compliance with all the requirements for admission;
7 and subject to the provisions of § 33-6-7, be entitled to a benefit as prescribed by this Act to
8 attend and pursue any undergraduate course or courses in any state educational institution under
9 the control and management of the Board of Regents ~~upon the payment of only fifty percent of~~
10 ~~the charges for tuition. In no event shall eligible national guardsmen be entitled to more than~~
11 ~~four academic years under §§ 33-6-5 to 33-6-8, inclusive. The Board of Regents shall maintain~~
12 ~~an annual record of the number of participants and the tuition dollar value of such participation.~~
13 Any resident is entitled to a benefit of fifty percent of the in-state resident tuition to be paid or
14 otherwise credited by the Board of Regents. Any nonresident is entitled to a benefit of fifty
15 percent of the in-state resident tuition to be paid to the institution by the Department of Military



1 and Veterans Affairs. The benefits established under §§ 33-6-5 to 33-6-8, inclusive, and the
2 provisions of this Act may not exceed one hundred twenty-eight credit hours towards a
3 baccalaureate degree.

4 Section 2. That chapter 33-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 13-55-23, eligible national guard members enrolled in
7 undergraduate courses under the control and management of the Board of Regents not
8 subsidized by the general fund are entitled to a benefit of fifty percent of the in-state resident
9 tuition to be paid to the institution by the Department of Military and Veterans Affairs.