



2023 South Dakota Legislature

House Bill 1039

HOUSE MILITARY AND VETERANS AFFAIRS ENGROSSED

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

1 **An Act to revise certain provisions regarding the payment of tuition for members of**
 2 **the South Dakota National Guard.**

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

4 **Section 1. That § 33-6-5 be AMENDED:**

5 **33-6-5.** Any member of the ~~National Guard of the State of South Dakota~~ National
 6 Guard is, upon compliance with all the requirements for admission and subject to the
 7 provisions of § 33-6-7, entitled to a benefit as prescribed by this section and ~~§ 33-6-5.1~~
 8 § 33-6-5.2 to attend and pursue any undergraduate course or courses in any state
 9 educational institution under the control and management of the Board of Regents. Any
 10 member of South Dakota National Guard who is a resident of the state is entitled to a
 11 benefit of ~~fifty one~~ one hundred percent of the in-state resident tuition to be paid or otherwise
 12 credited by the Board of Regents. ~~Any nonresident~~ Any member of the South Dakota
 13 National Guard who is not a resident of the state is entitled to a benefit of ~~fifty one~~ one hundred
 14 percent of the in-state resident tuition to be paid or otherwise credited by the Board of
 15 Regents. However, the state benefit is paid after applying the federal tuition benefit. The
 16 total federal and state benefit may not exceed one hundred percent of the tuition cost.
 17 The benefits established under §§ 33-6-5 to 33-6-8, inclusive, may not exceed one
 18 hundred twenty-eight credit hours towards a baccalaureate degree.

19 **Section 2. That § 33-6-5.1 be AMENDED:**

20 **33-6-5.1.** Any member of the ~~National Guard of the State of South Dakota~~ South
 21 Dakota National Guard is, upon compliance with all the requirements for admission and
 22 subject to the provisions of § 33-6-7, entitled to a benefit as prescribed by ~~§§ 33-6-5.1~~
 23 this section and § 33-6-5.3. Any member of the ~~National Guard of the State of South~~
 24 Dakota South Dakota National Guard who is enrolled in a program leading toward a
 25 graduate degree in any state educational institution under the control and management

1 of the Board of Regents, including institutions or courses not subsidized by the general
2 fund, is entitled to a benefit of fifty one hundred percent of the in-state resident graduate
3 tuition to be paid or otherwise credited by the Board of Regents. However, the state benefit
4 is paid after applying the federal tuition benefit. The total federal and state benefit may
5 not exceed one hundred percent of the tuition cost. The benefit provided by ~~§§ 33-6-5.1~~
6 this section and ~~33-6-5.2~~ § 33-6-5.3 may not exceed thirty-two credit hours toward a
7 graduate degree.

8 **Section 3. That § 33-6-5.2 be AMENDED:**

9 **33-6-5.2.** Notwithstanding the provisions of § 13-55-23, an eligible member of
10 the South Dakota National Guard ~~members~~ enrolled in undergraduate courses under the
11 control and management of the Board of Regents not subsidized by the general fund are
12 entitled to a benefit of fifty one hundred percent of the in-state resident tuition to be paid
13 or otherwise credited by the Board of Regents. However, the state benefit is paid after
14 applying the federal tuition benefit. The total federal and state benefit may not exceed
15 one hundred percent of the tuition cost.

16 **Section 4. That § 33-6-5.3 be AMENDED:**

17 **33-6-5.3.** Notwithstanding the provisions of § 13-55-23, an eligible member of
18 the South Dakota National Guard ~~members~~ enrolled in graduate courses under the control
19 and management of the Board of Regents not subsidized by the general fund are entitled
20 to a benefit of fifty one hundred percent of the in-state resident tuition to be paid or
21 otherwise credited by the Board of Regents. However, the state benefit is paid after
22 applying the federal tuition benefit. The total federal and state benefit may not exceed
23 one hundred percent of the tuition cost.

24 **Section 5. That § 33-6-6 be AMENDED:**

25 **33-6-6.** Any member of the ~~National Guard of the State of South Dakota~~ National
26 Guard, who is a resident of the state and who possesses the entrance requirements for
27 admission to any technical college program, is entitled to complete one program of study
28 approved by the Board of Technical Education in any state technical college ~~upon payment~~
29 ~~of sixteen and one-half percent of the tuition charges. The remaining~~ One hundred percent
30 of tuition shall must be paid or otherwise credited by the technical college. However, the

1 state benefit is paid after applying the federal tuition benefit. The total federal and state
2 benefit may not exceed one hundred percent of the tuition cost.

3 **Section 6. That § 33-6-7 be AMENDED:**

4 **33-6-7.** To be eligible for ~~fifty~~ one hundred percent of in-state resident tuition
5 without cost or reimbursement, a national guard member shall:

- 6 (1) Be a member of the South Dakota Army National Guard Unit or Air National Guard
7 Unit throughout each semester or vocational program for which the member
8 applies for benefits;
- 9 (2) Have satisfactorily completed required initial basic training;
- 10 (3) Have satisfactorily performed duty upon return from basic training, including a
11 minimum ninety percent attendance on scheduled drill dates and at annual training
12 with the member's parent unit;
- 13 (4) Maintain satisfactory academic progress; and
- 14 (5) Provide proper notice to the institution at the time of registration for the term in
15 which the benefits are sought.

16 **Section 7. That chapter 33-6 be amended with a NEW SECTION:**

17 For the purposes of this chapter, the term, federal tuition benefit, means a tuition
18 benefit provided by the United States Department of Defense, United States Department
19 of the Army, or the United States Department of the Air Force. The term, federal tuition
20 benefit, excludes any benefits or entitlements provided by the United States Department
21 of Veterans Affairs.