



2024 South Dakota Legislature

Senate Bill 29

Introduced by: The Chair of the Joint Committee on Appropriations at the request of the Department of the Military

1 **An Act to allow eligible members of the South Dakota National Guard attending an**
 2 **in-state private, nonprofit post-secondary institution to receive the state**
 3 **tuition benefit.**

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

5 **Section 1. That a NEW SECTION be added to chapter 33-6:**

6 Any private, nonprofit postsecondary institution located in this state, recognized as
 7 an exempt organization under 26 U.S.C. § 501(c)(3) as of January 1, 2024, and authorized
 8 to provide educational programs pursuant to chapter 13-48, may participate in the state's
 9 tuition benefit program for members of the South Dakota National Guard. To participate
 10 in the program, the institution must agree to accept the amount of the state tuition benefit
 11 for an undergraduate degree program under § 33-6-5 or for a graduate degree program
 12 under § 33-6-5.1 and the amount of any federal tuition benefit as full and complete
 13 payment of tuition for any student who meets the institution's admission requirements
 14 and the eligibility requirements of § 33-6-7. The participating institution shall collect the
 15 tuition benefit on behalf of an eligible student by submitting a request for payment to the
 16 Department of the Military on a form prescribed by the department. The department shall
 17 send the tuition benefit to the institution within sixty days of receiving the request for
 18 payment.

19 Each participating institution shall submit an estimate of the total number of
 20 students who will be enrolled in an undergraduate or graduate program, pursuant to this
 21 section, at the institution and eligible for the state tuition benefit to the department
 22 annually by July first.

23 **Section 2. That a NEW SECTION be added to chapter 33-6:**

24 An individual who meets the eligibility requirements of § 33-6-7 and is enrolled as
 25 a student in an undergraduate or graduate program at any institution participating in the

1 tuition benefit program under section 1 of this Act is entitled to the maximum tuition
 2 benefit payable by the state under § 33-6-5 or 33-6-5.1, respectively. The Department of
 3 the Military shall publish the maximum tuition benefit to be awarded for the next academic
 4 year by July first.

5 If a student is eligible for the state tuition benefit and a federal tuition benefit, the
 6 federal benefit must be applied to the amount due before the state benefit is applied. The
 7 total amount of the federal and state benefit may not exceed one hundred percent of the
 8 institution's standard tuition for the applicable undergraduate or graduate program.

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

10 **33-6-7.** ~~To be eligible for one hundred percent of in-state resident tuition without~~
 11 ~~cost or reimbursement~~ a tuition benefit under § 33-6-5, 33-6-5.1, 33-6-6, or section 2 of
 12 this Act, a national guard member shall an individual must:

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

23 **Section 4. That § 33-6-8 be AMENDED:**

24 **33-6-8.** ~~Any person~~ individual desiring to use the benefits of ~~either § 33-6-5 or,~~
 25 33-6-5.1, 33-6-6 shall, or section 2 of this Act must apply to the Department of the
 26 Military. The adjutant general shall determine if ~~that person~~ the individual is entitled to
 27 the benefits of §§ 33-6-5 to 33-6-8, inclusive. The adjutant general ~~may~~ shall promulgate
 28 rules, ~~pursuant to chapter 1-26 to accomplish the purposes of §§ 33-6-5 to 33-6-8,~~
 29 ~~inclusive, and to establish,~~ establishing the application process, the procedures for
 30 determining by which awards are determined, the records to be that must be maintained,
 31 and the procedure for an appeal.