



2025 South Dakota Legislature

House Bill 1198

Introduced by: **Representative Baxter**

1 **An Act to modify the tuition benefit for dependents and spouses of disabled and**
 2 **deceased veterans.**

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

4 **Section 1. That a NEW SECTION be added to chapter 13-55:**

5 An individual who has been a resident of this state for at least five years, and is
 6 over the age of fifteen and under the age of twenty-five, is entitled to tuition without cost
 7 at any institution under the control of the Board of Regents or the South Dakota Board of
 8 Technical Education, if:

9 (1) The individual's parent died or sustained a total disability, permanent in nature,
 10 while in the service of the South Dakota National Guard or the armed forces of the
 11 United States, as defined in § 13-55-7;

12 (2) The individual's parent served in the South Dakota National Guard or the armed
 13 forces of the United States for at least one year; and

14 (3) The individual's parent was a bona fide resident of this state for the five-year period
 15 immediately preceding service in the South Dakota National Guard or the armed
 16 forces of the United States.

17 An individual is eligible to receive the benefit provided by this section for four
 18 consecutive academic years.

19 For the purposes of this section, "parent" means a natural parent, adoptive parent,
 20 or stepparent.

21 **Section 2. That a NEW SECTION be added to chapter 13-55:**

22 An individual who has been a resident of this state for at least five years is entitled
 23 to tuition without cost, at any institution under the control of the Board of Regents or the
 24 South Dakota Board of Technical Education, if:

1 (1) The individual's spouse died or sustained a total disability, permanent in nature,
 2 while in the service of the South Dakota National Guard or the armed forces of the
 3 United States, as defined in § 13-55-7;

4 (2) The individual's spouse served in the South Dakota National Guard or the armed
 5 forces of the United States for at least one year; and

6 (3) The individual's spouse was a bona fide resident of this state for the five-year
 7 period immediately preceding service in the South Dakota National Guard or the
 8 armed forces of the United States.

9 An individual is eligible to receive the benefit provided by this section for up to four
 10 consecutive academic years.

11 **Section 3. That § 13-55-7 be AMENDED:**

12 **13-55-7.** The term, "armed forces," as used in ~~§ 13-55-6,~~ sections 1 and 2 of this
 13 Act, means all components of the Army, Navy, Marine Corps, Air Force, Space Force, and
 14 Coast Guard.

15 **Section 4. That § 13-55-8 be AMENDED:**

16 **13-55-8.** ~~Any person desiring to use the benefits of § 13-55-6 shall apply to the~~
 17 ~~Board of Regents. The Board of Regents shall determine whether the applicant is entitled~~
 18 ~~to the benefits.~~ In order to receive the benefit established in section 1 or 2 of this Act, an
 19 individual intending to apply to an institution under the control of the Board of Regents
 20 must submit an application to the Board of Regents.

21 In order to receive the benefit established in section 1 or 2 of this Act, an individual
 22 intending to apply to an institution under the control of the South Dakota Board of
 23 Technical Education must submit an application to the South Dakota Board of Technical
 24 Education.

25 The Board of Regents may promulgate rules pursuant to chapter 1-26 to
 26 accomplish the purposes of ~~§§ 13-55-6 to 13-55-9, inclusive~~ § 13-55-9 and sections 1
 27 and 2 of this Act.

28 The South Dakota Board of Technical Education may promulgate rules pursuant to
 29 chapter 1-26 to accomplish the purposes of § 13-55-9 and sections 1 and 2 of this Act.

30 **Section 5. That § 13-55-9 be AMENDED:**

1 **13-55-9.** ~~If the Board of Regents determines that any person applying under § 13-~~
2 ~~55-8 is entitled to free tuition in any state educational institution under the control and~~
3 ~~management of the Board of Regents, the board shall~~ an individual applying to an
4 institution under its control is eligible to receive the benefit established in section 1 or 2
5 of this Act, the Board of Regents must issue its a certificate in duplicate, stating that the
6 person individual is entitled to free tuition in such an educational institution tuition without
7 cost at an institution under its control. One of the duplicate certificates shall certificate
8 must be delivered to the educational institution with which the person individual desires
9 to matriculate, and the other duplicate certificate shall certificate must be delivered to the
10 person applying for the benefits of § 13-55-6 individual.

11 The action of the Board of Regents is final.

12 If the South Dakota Board of Technical Education determines that an individual
13 applying to an institution under its control is eligible to receive the benefits established in
14 section 1 or 2 of this Act, the South Dakota Board of Technical Education must issue a
15 certificate in duplicate, stating that the individual is entitled to tuition without cost at an
16 institution under its control. One certificate must be delivered to the institution with which
17 the individual desires to matriculate, and the other certificate must be delivered to the
18 applicant.

19 The action of the South Dakota Board of Technical Education is final.

20 **Section 6.** Any individual who receives the benefits established in § 13-55-6 or 13-55-10, as
21 those sections existed on the day before the effective date of this Act, is eligible to receive
22 the benefits established in section 1 or 2 of this Act, until the individual has completed four
23 academic years at an eligible institution.

24 **Section 7. That § 13-55-6 be REPEALED.**

25 ~~Any person under the age of twenty five years, a resident of this state, who is a~~
26 ~~child of a deceased parent, mother or father, who was a veteran as defined in § 33A-2-1,~~
27 ~~who was for at least six months immediately prior to entry into active service a bona fide~~
28 ~~resident of this state, and who suffered death from any cause while in the service of the~~
29 ~~armed forces of the United States, is entitled to free tuition and entitled to attend and~~
30 ~~pursue any course or courses of study in any state educational institution under the control~~
31 ~~and management of the Board of Regents or any technical college as defined in § 13-39A-~~
32 ~~1 without the payment of any charges or costs therefor.~~

33 **Section 8. That § 13-55-10 be REPEALED.**

1 ~~Any resident of this state who is less than twenty five years of age and whose~~
2 ~~parent has died or has sustained a total disability, permanent in nature, resulting from~~
3 ~~duty as a member of the South Dakota National Guard, while on state or federal active~~
4 ~~duty or any authorized training duty, is entitled to tuition without cost and is entitled to~~
5 ~~attend any course or courses of study in any state educational institution under the control~~
6 ~~and management of the Board of Regents or the Board of Technical Education. Any person~~
7 ~~who is a resident of this state whose spouse has died or has sustained a total disability,~~
8 ~~permanent in nature, resulting from duty as a member of the South Dakota National~~
9 ~~Guard, while on state or federal active duty or any authorized training duty, is entitled to~~
10 ~~tuition without cost and is entitled to attend any course or courses of study in any state~~
11 ~~educational institution under the control and management of the Board of Regents or the~~
12 ~~Board of Technical Education.~~

13 ~~The application and receipt of the benefits of this section are governed by the~~
14 ~~provisions of §§ 13-55-6 to 13-55-9, inclusive.~~