

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

644E0640

## SENATE BILL NO. 245

Introduced by: Senators Brown (Arnold), Brosz, Daugaard, Drake, Ham, Hutmacher,  
McCracken, Olson (Ed), and Sutton (Dan) and Representatives Heineman,  
Pitts, and Smidt

1 FOR AN ACT ENTITLED, An Act to create a health care access and preservation trust fund  
2 and to provide that earnings from the fund be used for certain health care purposes.  
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:  
4 Section 1. That § 28-6-33 be amended to read as follows:  
5 28-6-33. There is hereby established in the state treasury a fund known as the  
6 ~~intergovernmental transfer~~ health care access and preservation trust fund. The fund shall include  
7 revenue received from publicly owned and operated nursing facilities for remittance to the fund  
8 under § 28-6-31. The department shall administer the fund and shall adopt procedures for  
9 participation by publicly owned and operated nursing facilities. All moneys designated for the  
10 fund from whatever source derived shall be deposited with the state treasurer in the  
11 ~~intergovernmental transfer~~ health care access and preservation trust fund. The principal in the  
12 trust fund may not be expended except by a three-fifths majority vote of each house of the  
13 Legislature. The ~~amounts in the intergovernmental transfer~~ fund shall be invested pursuant to  
14 §§ 4-5-23 and 4-5-26 and the earnings shall be deposited in the ~~intergovernmental transfer~~ health

1 care access and preservation interest fund.

2 Section 2. That chapter 28-6 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 The health care access and preservation interest fund is established in the state treasury. The  
5 fund shall be invested according to §§ 4-5-23 and 4-5-26. The investment earnings of the fund  
6 shall be credited to the fund. The money in the fund shall be appropriated by the Legislature to  
7 fund health care related uses.

8 Section 3. That § 28-6-31 be amended to read as follows:

9 28-6-31. Each publicly owned and operated nursing facility participating under the provisions  
10 of §§ 28-6-28 to 28-6-36, inclusive, immediately upon receiving a payment under § 28-6-30,  
11 shall remit the amount of that payment, less a transaction fee, to the department for credit to:

12 (1) The ~~intergovernmental transfer~~ health care access and preservation trust fund in an  
13 amount equal to the applicable federal medical assistance percentage times the total  
14 remittance to the department, less the transaction fee; and

15 (2) The department's other funds for all remaining amounts.

16 Section 4. That § 28-6-35 be amended to read as follows:

17 28-6-35. The department may promulgate rules pursuant to chapter 1-26 for the  
18 administration of §§ 28-6-28 to 28-6-36, inclusive. The rules may include criteria for  
19 establishing, funding, and administering the pool, criteria for participation in the  
20 intergovernmental transfer, penalties for failing to immediately remit the funds to the department,  
21 criteria for the transfer of funds, the establishment of transaction fees, and other policies to  
22 facilitate the administration of the ~~intergovernmental transfer~~ health care access and preservation  
23 trust fund ~~or, the funding pool, and the health care access and preservation interest fund.~~

24 Section 5. That § 28-6-36 be amended to read as follows:

1        28-6-36. Sections 28-6-28 to ~~28-6-36~~ 28-6-35, inclusive, and section 2 of this Act do not  
2        create an entitlement to any funds. The department may disburse funds to the extent funds are  
3        available and, within its discretion, to the extent such appropriations are approved.