

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0315

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1032 - 01/16/2001

Introduced by: The Committee on Judiciary at the request of the South Dakota
Commission on Child Support

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to child support.

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

3 Section 1. That § 25-7-6.2 be amended to read as follows:

4 25-7-6.2. The child support obligation shall be established in accordance with the **combined**
5 ~~monthly net income of both parents as provided in the~~ following schedule subject to such
6 revisions or deviations as may be permitted pursuant to §§ 25-7-6.1 to ~~25-7-6.17~~ 25-7-6.18,
7 inclusive. Except as provided in this chapter, the combined monthly net incomes of both parents
8 shall be used in determining the obligation and divided proportionately between the parents based
9 upon their respective net incomes. The noncustodial parent's proportionate share establishes the
10 amount of the child support order.

11 If the obligation using only the noncustodial parent's monthly net income is an obligation
12 within the emboldened areas of the schedule, that amount shall be compared to the noncustodial
13 parent's proportionate share using both parents' monthly net incomes. The lesser amount
14 establishes the noncustodial parent's child support order.

1	Combined						
2	Net						
3	Monthly	One	Two	Three	Four	Five	Six
4	Income	Child	Children	Children	Children	Children	Children
5	0-1,000	50	50	50	50	50	50
6	1,050	74	75	76	77	78	78
7	1,100	119	121	122	123	125	126
8	1,150	164	166	168	170	172	173
9	1,200	209	212	214	216	219	221
10	1,250	254	257	260	263	266	268
11	1,300	299	303	306	309	313	316
12	1,350	322	348	352	356	360	363
13	1,400	333	394	398	402	407	411
14	1,450	344	439	444	449	454	458
15	1,500	355	485	490	495	501	506
16	1,550	366	530	536	542	548	553
17	1,600	378	547	582	588	595	601
18	1,650	389	563	628	635	642	648
19	1,700	400	579	674	681	689	696
20	1,750	411	595	701	728	736	743
21	1,800	422	611	719	774	783	791
22	1,850	434	627	737	815	830	838
23	1,900	443	641	754	833	877	886
24	1,950	452	654	769	849	921	933
25	2,000	460	666	783	866	938	981
26	2,050	469	678	798	882	956	1,023
27	2,100	477	691	813	898	974	1,042
28	2,150	485	703	828	914	991	1,061

1	2,200	494	715	842	931	1,009	1,079
2	2,250	502	728	857	947	1,026	1,098
3	2,300	510	739	870	962	1,043	1,116
4	2,350	515	745	878	970	1,051	1,125
5	2,400	520	752	885	978	1,060	1,134
6	2,450	524	758	892	986	1,068	1,143
7	2,500	529	765	899	993	1,077	1,152
8	2,550	534	771	906	1,001	1,085	1,161
9	2,600	538	778	913	1,009	1,094	1,171
10	2,650	543	784	921	1,017	1,103	1,180
11	2,700	548	791	928	1,025	1,111	1,189
12	2,750	555	800	938	1,037	1,124	1,203
13	2,800	562	810	950	1,050	1,138	1,217
14	2,850	569	820	961	1,062	1,151	1,232
15	2,900	576	830	973	1,075	1,165	1,247
16	2,950	583	840	984	1,088	1,179	1,262
17	3,000	590	850	996	1,100	1,193	1,276
18	3,050	598	860	1,007	1,113	1,207	1,291
19	3,100	605	870	1,019	1,126	1,220	1,306
20	3,150	611	880	1,030	1,138	1,234	1,320
21	3,200	618	889	1,041	1,150	1,247	1,334
22	3,250	624	898	1,052	1,163	1,260	1,348
23	3,300	630	907	1,063	1,175	1,273	1,363
24	3,350	637	917	1,074	1,187	1,287	1,377
25	3,400	643	926	1,085	1,199	1,300	1,391
26	3,450	649	935	1,096	1,211	1,313	1,405
27	3,500	656	944	1,107	1,233	1,326	1,419
28	3,550	662	954	1,118	1,236	1,340	1,433
29	3,600	670	965	1,131	1,249	1,354	1,449

1	3,650	677	975	1,143	1,263	1,369	1,465
2	3,700	685	986	1,155	1,276	1,384	1,480
3	3,750	692	997	1,167	1,290	1,398	1,496
4	3,800	700	1,007	1,180	1,303	1,413	1,512
5	3,850	707	1,018	1,192	1,317	1,428	1,527
6	3,900	715	1,028	1,204	1,330	1,442	1,543
7	3,950	723	1,039	1,216	1,344	1,457	1,559
8	4,000	729	1,049	1,227	1,356	1,470	1,573
9	4,050	736	1,058	1,238	1,369	1,483	1,587
10	4,100	742	1,067	1,249	1,381	1,497	1,601
11	4,150	749	1,077	1,261	1,393	1,510	1,616
12	4,200	755	1,086	1,272	1,405	1,523	1,630
13	4,250	762	1,096	1,283	1,417	1,536	1,644
14	4,300	768	1,105	1,294	1,429	1,549	1,658
15	4,350	775	1,114	1,305	1,442	1,563	1,672
16	4,400	781	1,124	1,316	1,454	1,576	1,686
17	4,450	788	1,133	1,327	1,466	1,589	1,700
18	4,500	794	1,143	1,338	1,478	1,602	1,714
19	4,550	801	1,152	1,349	1,490	1,615	1,729
20	4,600	807	1,161	1,359	1,502	1,628	1,742
21	4,600	812	1,168	1,368	1,512	1,639	1,754
22	4,700	817	1,176	1,377	1,522	1,650	1,765
23	4,750	822	1,183	1,386	1,532	1,661	1,777
24	4,800	826	1,190	1,396	1,542	1,672	1,789
25	4,850	831	1,198	1,405	1,552	1,683	1,800
26	4,900	836	1,205	1,414	1,562	1,694	1,812
27	4,950	841	1,213	1,423	1,572	1,705	1,824
28	5,000	846	1,220	1,432	1,583	1,716	1,836
29	5,050	851	1,228	1,441	1,593	1,727	1,847

1	5,100	856	1,235	1,451	1,603	1,737	1,859
2	5,150	861	1,243	1,460	1,613	1,748	1,871
3	5,200	866	1,250	1,469	1,623	1,759	1,883
4	5,250	871	1,257	1,478	1,633	1,770	1,894
5	5,300	876	1,265	1,487	1,643	1,781	1,906
6	5,350	880	1,272	1,496	1,653	1,792	1,918
7	5,400	885	1,280	1,505	1,663	1,803	1,929
8	5,450	891	1,288	1,516	1,675	1,816	1,943
9	5,500	898	1,298	1,527	1,687	1,829	1,957
10	5,550	904	1,307	1,538	1,699	1,842	1,971
11	5,600	911	1,316	1,549	1,711	1,855	1,985
12	5,650	917	1,326	1,560	1,723	1,868	1,999
13	5,700	923	1,335	1,571	1,735	1,881	2,013
14	5,750	930	1,344	1,582	1,748	1,894	2,027
15	5,800	936	1,353	1,592	1,760	1,907	2,041
16	5,850	943	1,363	1,603	1,772	1,921	2,055
17	5,900	949	1,372	1,614	1,784	1,934	2,069
18	5,950	955	1,381	1,625	1,796	1,947	2,083
19	6,000	962	1,390	1,636	1,808	1,960	2,097
20	6,050	968	1,400	1,647	1,820	1,973	2,111
21	6,100	975	1,409	1,658	1,832	1,986	2,125
22	6,150	981	1,418	1,669	1,844	1,999	2,139
23	6,200	987	1,427	1,680	1,856	2,012	2,153
24	6,250	994	1,437	1,691	1,869	2,026	2,167
25	6,300	1,000	1,446	1,702	1,881	2,039	2,181
26	6,350	1,007	1,455	1,713	1,893	2,052	2,195
27	6,400	1,013	1,465	1,724	1,905	2,065	2,209
28	6,450	1,019	1,474	1,735	1,917	2,078	2,223
29	6,500	1,026	1,483	1,746	1,929	2,091	2,238

1	6,550	1,032	1,492	1,757	1,941	2,104	2,252
2	6,600	1,039	1,502	1,768	1,953	2,117	2,266
3	6,650	1,045	1,511	1,779	1,965	2,130	2,280
4	6,700	1,051	1,520	1,790	1,977	2,144	2,294
5	6,750	1,058	1,529	1,801	1,990	2,157	2,308
6	6,800	1,064	1,539	1,811	2,002	2,170	2,322
7	6,850	1,071	1,548	1,822	2,014	2,183	2,336
8	6,900	1,077	1,557	1,833	2,026	2,196	2,350
9	6,950	1,083	1,567	1,844	2,038	2,209	2,364
10	7,000	1,090	1,576	1,855	2,050	2,222	2,378
11	7,050	1,096	1,585	1,866	2,062	2,235	2,392
12	7,100	1,102	1,594	1,877	2,074	2,248	2,405
13	7,150	1,108	1,602	1,886	2,084	2,259	2,417
14	7,200	1,113	1,610	1,895	2,094	2,270	2,429
15	7,250	1,118	1,617	1,904	2,104	2,281	2,441
16	7,300	1,124	1,625	1,914	2,115	2,292	2,453
17	7,350	1,129	1,633	1,923	2,125	2,303	2,465
18	7,400	1,135	1,641	1,932	2,135	2,315	2,477
19	7,450	1,140	1,649	1,942	2,146	2,326	2,489
20	7,500	1,145	1,657	1,951	2,156	2,337	2,500
21	7,550	1,151	1,664	1,960	2,166	2,348	2,512
22	7,600	1,156	1,672	1,970	2,176	2,359	2,524
23	7,650	1,161	1,680	1,979	2,187	2,370	2,536
24	7,700	1,167	1,688	1,988	2,197	2,381	2,548
25	7,750	1,172	1,696	1,997	2,207	2,393	2,560
26	7,800	1,178	1,704	2,007	2,217	2,404	2,572
27	7,850	1,183	1,712	2,016	2,228	2,415	2,584
28	7,900	1,188	1,719	2,025	2,238	2,426	2,596
29	7,950	1,194	1,727	2,035	2,248	2,437	2,608

1	8,000	1,199	1,735	2,044	2,258	2,448	2,620
2	8,050	1,205	1,743	2,053	2,269	2,459	2,632
3	8,100	1,210	1,751	2,062	2,279	2,471	2,643
4	8,150	1,215	1,759	2,072	2,289	2,482	2,655
5	8,200	1,221	1,767	2,081	2,300	2,493	2,667
6	8,250	1,226	1,774	2,090	2,310	2,504	2,679
7	8,300	1,231	1,782	2,100	2,320	2,515	2,691
8	8,350	1,237	1,790	2,109	2,330	2,526	2,703
9	8,400	1,242	1,798	2,118	2,341	2,537	2,715
10	8,450	1,248	1,806	2,128	2,351	2,548	2,727
11	8,500	1,253	1,814	2,137	2,361	2,560	2,739
12	8,550	1,258	1,821	2,146	2,371	2,571	2,751
13	8,600	1,264	1,829	2,155	2,382	2,582	2,763
14	8,650	1,269	2,837	2,165	2,392	2,593	2,775
15	8,700	1,275	1,845	2,174	2,402	2,604	2,786
16	8,750	1,280	1,853	2,183	2,413	2,615	2,798
17	8,800	1,285	1,861	2,193	2,423	2,626	2,810
18	8,850	1,291	1,869	2,202	2,433	2,638	2,822
19	8,900	1,296	1,876	2,211	2,443	2,649	2,834
20	8,950	1,301	1,884	2,221	2,454	2,660	2,846
21	9,000	1,307	1,892	2,230	2,464	2,671	2,858
22	9,050	1,312	1,900	2,239	2,474	2,682	2,870
23	9,100	1,318	1,908	2,248	2,484	2,693	2,882
24	9,150	1,323	1,916	2,258	2,495	2,704	2,894
25	9,200	1,328	1,924	2,267	2,505	2,715	2,906
26	9,250	1,334	1,931	2,276	2,515	2,727	2,918
27	9,300	1,339	1,939	2,286	2,526	2,738	2,929
28	9,350	1,345	1,947	2,295	2,536	2,749	2,941
29	9,400	1,350	1,955	2,304	2,546	2,760	2,953

1	9,450	1,355	1,963	2,313	2,556	2,771	2,965
2	9,500	1,361	1,971	2,323	2,567	2,782	2,977
3	9,550	1,366	1,978	2,332	2,577	2,793	2,989
4	9,600	1,371	1,986	2,341	2,587	2,805	3,001
5	9,650	1,377	1,994	2,351	2,597	2,816	3,013
6	9,700	1,382	2,002	2,360	2,608	2,827	3,025
7	9,750	1,388	2,010	2,369	2,618	2,838	3,037
8	9,800	1,393	2,018	2,379	2,628	2,849	3,049
9	9,850	1,398	2,026	2,388	2,638	2,860	3,060
10	9,900	1,404	2,033	2,397	2,649	2,871	3,072
11	9,950	1,409	2,041	2,406	2,659	2,883	3,084
12	10,000	1,415	2,049	2,416	2,669	2,894	3,096

13 ~~—The child support obligation from the schedule shall be divided proportionately between the~~
14 ~~parents, based upon their respective net incomes. The share of the custodial parent is presumed~~
15 ~~to be spent directly for the benefit of the child. The share of the noncustodial parent establishes~~
16 ~~the amount of the child support order.~~

17 Monthly

18	<u>Net</u>	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u>
19	<u>Income</u>	<u>Child</u>	<u>Children</u>	<u>Children</u>	<u>Children</u>	<u>Children</u>	<u>Children</u>
20	<u>0-800</u>	<u>100</u>	<u>150</u>	<u>180</u>	<u>200</u>	<u>220</u>	<u>240</u>
21	<u>850</u>	<u>125</u>	<u>175</u>	<u>205</u>	<u>225</u>	<u>245</u>	<u>265</u>
22	<u>900</u>	<u>150</u>	<u>200</u>	<u>230</u>	<u>250</u>	<u>270</u>	<u>290</u>
23	<u>950</u>	<u>175</u>	<u>225</u>	<u>255</u>	<u>275</u>	<u>295</u>	<u>315</u>
24	<u>1,000</u>	<u>200</u>	<u>250</u>	<u>280</u>	<u>300</u>	<u>320</u>	<u>340</u>
25	<u>1,050</u>	<u>225</u>	<u>275</u>	<u>305</u>	<u>325</u>	<u>345</u>	<u>365</u>
26	<u>1,100</u>	<u>250</u>	<u>300</u>	<u>330</u>	<u>350</u>	<u>370</u>	<u>390</u>
27	<u>1,150</u>	<u>275</u>	<u>325</u>	<u>355</u>	<u>375</u>	<u>395</u>	<u>415</u>

1	<u>1,200</u>	<u>291</u>	<u>350</u>	<u>380</u>	<u>400</u>	<u>420</u>	<u>440</u>
2	<u>1,250</u>	<u>302</u>	<u>375</u>	<u>405</u>	<u>425</u>	<u>445</u>	<u>465</u>
3	<u>1,300</u>	<u>313</u>	<u>400</u>	<u>430</u>	<u>450</u>	<u>470</u>	<u>490</u>
4	<u>1,350</u>	<u>324</u>	<u>425</u>	<u>455</u>	<u>475</u>	<u>495</u>	<u>515</u>
5	<u>1,400</u>	<u>336</u>	<u>450</u>	<u>480</u>	<u>500</u>	<u>520</u>	<u>540</u>
6	<u>1,450</u>	<u>347</u>	<u>475</u>	<u>505</u>	<u>525</u>	<u>545</u>	<u>565</u>
7	<u>1,500</u>	<u>358</u>	<u>500</u>	<u>530</u>	<u>550</u>	<u>570</u>	<u>590</u>
8	<u>1,550</u>	<u>369</u>	<u>525</u>	<u>555</u>	<u>575</u>	<u>595</u>	<u>615</u>
9	<u>1,600</u>	<u>380</u>	<u>550</u>	<u>580</u>	<u>600</u>	<u>620</u>	<u>640</u>
10	<u>1,650</u>	<u>391</u>	<u>566</u>	<u>605</u>	<u>625</u>	<u>645</u>	<u>665</u>
11	<u>1,700</u>	<u>402</u>	<u>582</u>	<u>630</u>	<u>650</u>	<u>670</u>	<u>690</u>
12	<u>1,750</u>	<u>413</u>	<u>598</u>	<u>655</u>	<u>675</u>	<u>695</u>	<u>715</u>
13	<u>1,800</u>	<u>424</u>	<u>615</u>	<u>680</u>	<u>700</u>	<u>720</u>	<u>740</u>
14	<u>1,850</u>	<u>436</u>	<u>631</u>	<u>705</u>	<u>725</u>	<u>745</u>	<u>765</u>
15	<u>1,900</u>	<u>447</u>	<u>647</u>	<u>730</u>	<u>750</u>	<u>770</u>	<u>790</u>
16	<u>1,950</u>	<u>458</u>	<u>663</u>	<u>755</u>	<u>775</u>	<u>795</u>	<u>815</u>
17	<u>2,000</u>	<u>469</u>	<u>679</u>	<u>780</u>	<u>800</u>	<u>820</u>	<u>840</u>
18	<u>2,050</u>	<u>480</u>	<u>695</u>	<u>805</u>	<u>825</u>	<u>845</u>	<u>865</u>
19	<u>2,100</u>	<u>491</u>	<u>710</u>	<u>830</u>	<u>850</u>	<u>870</u>	<u>890</u>
20	<u>2,150</u>	<u>499</u>	<u>722</u>	<u>849</u>	<u>875</u>	<u>895</u>	<u>915</u>
21	<u>2,200</u>	<u>508</u>	<u>734</u>	<u>864</u>	<u>900</u>	<u>920</u>	<u>940</u>
22	<u>2,250</u>	<u>516</u>	<u>747</u>	<u>879</u>	<u>925</u>	<u>945</u>	<u>965</u>
23	<u>2,300</u>	<u>524</u>	<u>759</u>	<u>893</u>	<u>950</u>	<u>970</u>	<u>990</u>
24	<u>2,350</u>	<u>533</u>	<u>771</u>	<u>908</u>	<u>975</u>	<u>995</u>	<u>1,015</u>
25	<u>2,400</u>	<u>541</u>	<u>784</u>	<u>923</u>	<u>1,000</u>	<u>1,020</u>	<u>1,040</u>
26	<u>2,450</u>	<u>550</u>	<u>796</u>	<u>937</u>	<u>1,025</u>	<u>1,045</u>	<u>1,065</u>
27	<u>2,500</u>	<u>558</u>	<u>808</u>	<u>952</u>	<u>1,050</u>	<u>1,070</u>	<u>1,090</u>
28	<u>2,550</u>	<u>566</u>	<u>820</u>	<u>966</u>	<u>1,068</u>	<u>1,095</u>	<u>1,115</u>
29	<u>2,600</u>	<u>571</u>	<u>827</u>	<u>973</u>	<u>1,075</u>	<u>1,120</u>	<u>1,140</u>

1	<u>2,650</u>	<u>576</u>	<u>833</u>	<u>980</u>	<u>1,083</u>	<u>1,145</u>	<u>1,165</u>
2	<u>2,700</u>	<u>580</u>	<u>840</u>	<u>988</u>	<u>1,091</u>	<u>1,170</u>	<u>1,190</u>
3	<u>2,750</u>	<u>585</u>	<u>846</u>	<u>995</u>	<u>1,099</u>	<u>1,191</u>	<u>1,215</u>
4	<u>2,800</u>	<u>590</u>	<u>852</u>	<u>1,002</u>	<u>1,107</u>	<u>1,200</u>	<u>1,240</u>
5	<u>2,850</u>	<u>594</u>	<u>859</u>	<u>1,009</u>	<u>1,115</u>	<u>1,209</u>	<u>1,265</u>
6	<u>2,900</u>	<u>599</u>	<u>865</u>	<u>1,016</u>	<u>1,123</u>	<u>1,217</u>	<u>1,290</u>
7	<u>2,950</u>	<u>604</u>	<u>872</u>	<u>1,023</u>	<u>1,131</u>	<u>1,226</u>	<u>1,312</u>
8	<u>3,000</u>	<u>609</u>	<u>878</u>	<u>1,030</u>	<u>1,139</u>	<u>1,234</u>	<u>1,321</u>
9	<u>3,050</u>	<u>615</u>	<u>888</u>	<u>1,041</u>	<u>1,150</u>	<u>1,247</u>	<u>1,334</u>
10	<u>3,100</u>	<u>622</u>	<u>898</u>	<u>1,053</u>	<u>1,163</u>	<u>1,261</u>	<u>1,349</u>
11	<u>3,150</u>	<u>630</u>	<u>908</u>	<u>1,064</u>	<u>1,176</u>	<u>1,275</u>	<u>1,364</u>
12	<u>3,200</u>	<u>637</u>	<u>918</u>	<u>1,076</u>	<u>1,189</u>	<u>1,288</u>	<u>1,379</u>
13	<u>3,250</u>	<u>644</u>	<u>928</u>	<u>1,087</u>	<u>1,201</u>	<u>1,302</u>	<u>1,393</u>
14	<u>3,300</u>	<u>651</u>	<u>938</u>	<u>1,099</u>	<u>1,214</u>	<u>1,316</u>	<u>1,408</u>
15	<u>3,350</u>	<u>658</u>	<u>948</u>	<u>1,110</u>	<u>1,227</u>	<u>1,330</u>	<u>1,423</u>
16	<u>3,400</u>	<u>665</u>	<u>958</u>	<u>1,122</u>	<u>1,239</u>	<u>1,343</u>	<u>1,438</u>
17	<u>3,450</u>	<u>673</u>	<u>968</u>	<u>1,133</u>	<u>1,252</u>	<u>1,357</u>	<u>1,452</u>
18	<u>3,500</u>	<u>679</u>	<u>977</u>	<u>1,144</u>	<u>1,265</u>	<u>1,371</u>	<u>1,467</u>
19	<u>3,550</u>	<u>686</u>	<u>987</u>	<u>1,155</u>	<u>1,277</u>	<u>1,384</u>	<u>1,481</u>
20	<u>3,600</u>	<u>692</u>	<u>996</u>	<u>1,166</u>	<u>1,289</u>	<u>1,397</u>	<u>1,495</u>
21	<u>3,650</u>	<u>698</u>	<u>1,005</u>	<u>1,177</u>	<u>1,301</u>	<u>1,410</u>	<u>1,509</u>
22	<u>3,700</u>	<u>705</u>	<u>1,014</u>	<u>1,188</u>	<u>1,313</u>	<u>1,423</u>	<u>1,523</u>
23	<u>3,750</u>	<u>711</u>	<u>1,024</u>	<u>1,199</u>	<u>1,325</u>	<u>1,437</u>	<u>1,537</u>
24	<u>3,800</u>	<u>717</u>	<u>1,033</u>	<u>1,210</u>	<u>1,337</u>	<u>1,450</u>	<u>1,551</u>
25	<u>3,850</u>	<u>723</u>	<u>1,042</u>	<u>1,221</u>	<u>1,350</u>	<u>1,463</u>	<u>1,565</u>
26	<u>3,900</u>	<u>730</u>	<u>1,051</u>	<u>1,232</u>	<u>1,362</u>	<u>1,476</u>	<u>1,579</u>
27	<u>3,950</u>	<u>737</u>	<u>1,061</u>	<u>1,244</u>	<u>1,374</u>	<u>1,490</u>	<u>1,594</u>
28	<u>4,000</u>	<u>744</u>	<u>1,072</u>	<u>1,256</u>	<u>1,388</u>	<u>1,505</u>	<u>1,610</u>
29	<u>4,050</u>	<u>752</u>	<u>1,082</u>	<u>1,268</u>	<u>1,401</u>	<u>1,519</u>	<u>1,626</u>

1	<u>4,100</u>	<u>759</u>	<u>1,093</u>	<u>1,281</u>	<u>1,415</u>	<u>1,534</u>	<u>1,641</u>
2	<u>4,150</u>	<u>767</u>	<u>1,104</u>	<u>1,293</u>	<u>1,429</u>	<u>1,549</u>	<u>1,657</u>
3	<u>4,200</u>	<u>774</u>	<u>1,114</u>	<u>1,305</u>	<u>1,442</u>	<u>1,563</u>	<u>1,673</u>
4	<u>4,250</u>	<u>782</u>	<u>1,125</u>	<u>1,317</u>	<u>1,456</u>	<u>1,578</u>	<u>1,688</u>
5	<u>4,300</u>	<u>789</u>	<u>1,136</u>	<u>1,330</u>	<u>1,469</u>	<u>1,593</u>	<u>1,704</u>
6	<u>4,350</u>	<u>797</u>	<u>1,146</u>	<u>1,342</u>	<u>1,483</u>	<u>1,607</u>	<u>1,720</u>
7	<u>4,400</u>	<u>804</u>	<u>1,157</u>	<u>1,354</u>	<u>1,496</u>	<u>1,622</u>	<u>1,735</u>
8	<u>4,450</u>	<u>811</u>	<u>1,166</u>	<u>1,365</u>	<u>1,508</u>	<u>1,635</u>	<u>1,749</u>
9	<u>4,500</u>	<u>817</u>	<u>1,176</u>	<u>1,376</u>	<u>1,520</u>	<u>1,648</u>	<u>1,763</u>
10	<u>4,550</u>	<u>824</u>	<u>1,185</u>	<u>1,387</u>	<u>1,533</u>	<u>1,661</u>	<u>1,778</u>
11	<u>4,600</u>	<u>830</u>	<u>1,194</u>	<u>1,398</u>	<u>1,545</u>	<u>1,674</u>	<u>1,792</u>
12	<u>4,650</u>	<u>837</u>	<u>1,204</u>	<u>1,409</u>	<u>1,557</u>	<u>1,688</u>	<u>1,806</u>
13	<u>4,700</u>	<u>843</u>	<u>1,213</u>	<u>1,420</u>	<u>1,569</u>	<u>1,701</u>	<u>1,820</u>
14	<u>4,750</u>	<u>850</u>	<u>1,222</u>	<u>1,431</u>	<u>1,581</u>	<u>1,714</u>	<u>1,834</u>
15	<u>4,800</u>	<u>856</u>	<u>1,232</u>	<u>1,442</u>	<u>1,593</u>	<u>1,727</u>	<u>1,848</u>
16	<u>4,850</u>	<u>863</u>	<u>1,241</u>	<u>1,453</u>	<u>1,606</u>	<u>1,740</u>	<u>1,862</u>
17	<u>4,900</u>	<u>869</u>	<u>1,251</u>	<u>1,464</u>	<u>1,618</u>	<u>1,754</u>	<u>1,876</u>
18	<u>4,950</u>	<u>876</u>	<u>1,260</u>	<u>1,475</u>	<u>1,630</u>	<u>1,767</u>	<u>1,891</u>
19	<u>5,000</u>	<u>882</u>	<u>1,269</u>	<u>1,486</u>	<u>1,642</u>	<u>1,780</u>	<u>1,905</u>
20	<u>5,050</u>	<u>889</u>	<u>1,279</u>	<u>1,497</u>	<u>1,654</u>	<u>1,793</u>	<u>1,919</u>
21	<u>5,100</u>	<u>895</u>	<u>1,288</u>	<u>1,508</u>	<u>1,666</u>	<u>1,806</u>	<u>1,932</u>
22	<u>5,150</u>	<u>900</u>	<u>1,295</u>	<u>1,517</u>	<u>1,676</u>	<u>1,817</u>	<u>1,944</u>
23	<u>5,200</u>	<u>905</u>	<u>1,303</u>	<u>1,526</u>	<u>1,686</u>	<u>1,828</u>	<u>1,956</u>
24	<u>5,250</u>	<u>910</u>	<u>1,310</u>	<u>1,535</u>	<u>1,696</u>	<u>1,839</u>	<u>1,968</u>
25	<u>5,300</u>	<u>915</u>	<u>1,318</u>	<u>1,544</u>	<u>1,706</u>	<u>1,850</u>	<u>1,979</u>
26	<u>5,350</u>	<u>920</u>	<u>1,325</u>	<u>1,553</u>	<u>1,717</u>	<u>1,861</u>	<u>1,991</u>
27	<u>5,400</u>	<u>925</u>	<u>1,332</u>	<u>1,563</u>	<u>1,727</u>	<u>1,872</u>	<u>2,003</u>
28	<u>5,450</u>	<u>930</u>	<u>1,340</u>	<u>1,572</u>	<u>1,737</u>	<u>1,883</u>	<u>2,014</u>
29	<u>5,500</u>	<u>934</u>	<u>1,347</u>	<u>1,581</u>	<u>1,747</u>	<u>1,894</u>	<u>2,026</u>

1	<u>5,550</u>	<u>939</u>	<u>1,355</u>	<u>1,590</u>	<u>1,757</u>	<u>1,905</u>	<u>2,038</u>
2	<u>5,600</u>	<u>944</u>	<u>1,362</u>	<u>1,599</u>	<u>1,767</u>	<u>1,916</u>	<u>2,050</u>
3	<u>5,650</u>	<u>949</u>	<u>1,370</u>	<u>1,608</u>	<u>1,777</u>	<u>1,927</u>	<u>2,061</u>
4	<u>5,700</u>	<u>954</u>	<u>1,377</u>	<u>1,618</u>	<u>1,787</u>	<u>1,938</u>	<u>2,073</u>
5	<u>5,750</u>	<u>959</u>	<u>1,384</u>	<u>1,627</u>	<u>1,797</u>	<u>1,948</u>	<u>2,085</u>
6	<u>5,800</u>	<u>964</u>	<u>1,392</u>	<u>1,636</u>	<u>1,808</u>	<u>1,959</u>	<u>2,097</u>
7	<u>5,850</u>	<u>969</u>	<u>1,399</u>	<u>1,645</u>	<u>1,818</u>	<u>1,970</u>	<u>2,108</u>
8	<u>5,900</u>	<u>974</u>	<u>1,407</u>	<u>1,654</u>	<u>1,828</u>	<u>1,981</u>	<u>2,120</u>
9	<u>5,950</u>	<u>979</u>	<u>1,414</u>	<u>1,663</u>	<u>1,838</u>	<u>1,992</u>	<u>2,132</u>
10	<u>6,000</u>	<u>984</u>	<u>1,422</u>	<u>1,672</u>	<u>1,848</u>	<u>2,003</u>	<u>2,143</u>
11	<u>6,050</u>	<u>990</u>	<u>1,430</u>	<u>1,683</u>	<u>1,860</u>	<u>2,016</u>	<u>2,157</u>
12	<u>6,100</u>	<u>996</u>	<u>1,440</u>	<u>1,694</u>	<u>1,872</u>	<u>2,029</u>	<u>2,171</u>
13	<u>6,150</u>	<u>1,002</u>	<u>1,449</u>	<u>1,705</u>	<u>1,884</u>	<u>2,042</u>	<u>2,185</u>
14	<u>6,200</u>	<u>1,009</u>	<u>1,458</u>	<u>1,716</u>	<u>1,896</u>	<u>2,055</u>	<u>2,199</u>
15	<u>6,250</u>	<u>1,015</u>	<u>1,468</u>	<u>1,727</u>	<u>1,908</u>	<u>2,068</u>	<u>2,213</u>
16	<u>6,300</u>	<u>1,022</u>	<u>1,477</u>	<u>1,738</u>	<u>1,920</u>	<u>2,081</u>	<u>2,227</u>
17	<u>6,350</u>	<u>1,028</u>	<u>1,486</u>	<u>1,749</u>	<u>1,932</u>	<u>2,094</u>	<u>2,241</u>
18	<u>6,400</u>	<u>1,034</u>	<u>1,495</u>	<u>1,760</u>	<u>1,944</u>	<u>2,108</u>	<u>2,255</u>
19	<u>6,450</u>	<u>1,041</u>	<u>1,505</u>	<u>1,770</u>	<u>1,956</u>	<u>2,121</u>	<u>2,269</u>
20	<u>6,500</u>	<u>1,047</u>	<u>1,514</u>	<u>1,781</u>	<u>1,968</u>	<u>2,134</u>	<u>2,283</u>
21	<u>6,550</u>	<u>1,054</u>	<u>1,523</u>	<u>1,792</u>	<u>1,981</u>	<u>2,147</u>	<u>2,297</u>
22	<u>6,600</u>	<u>1,060</u>	<u>1,532</u>	<u>1,803</u>	<u>1,993</u>	<u>2,160</u>	<u>2,311</u>
23	<u>6,650</u>	<u>1,066</u>	<u>1,542</u>	<u>1,814</u>	<u>2,005</u>	<u>2,173</u>	<u>2,325</u>
24	<u>6,700</u>	<u>1,073</u>	<u>1,551</u>	<u>1,825</u>	<u>2,017</u>	<u>2,186</u>	<u>2,339</u>
25	<u>6,750</u>	<u>1,079</u>	<u>1,560</u>	<u>1,836</u>	<u>2,029</u>	<u>2,199</u>	<u>2,353</u>
26	<u>6,800</u>	<u>1,086</u>	<u>1,569</u>	<u>1,847</u>	<u>2,041</u>	<u>2,212</u>	<u>2,367</u>
27	<u>6,850</u>	<u>1,092</u>	<u>1,579</u>	<u>1,858</u>	<u>2,053</u>	<u>2,226</u>	<u>2,381</u>
28	<u>6,900</u>	<u>1,098</u>	<u>1,588</u>	<u>1,869</u>	<u>2,065</u>	<u>2,239</u>	<u>2,395</u>
29	<u>6,950</u>	<u>1,105</u>	<u>1,597</u>	<u>1,880</u>	<u>2,077</u>	<u>2,252</u>	<u>2,410</u>

1	<u>7,000</u>	<u>1,111</u>	<u>1,607</u>	<u>1,891</u>	<u>2,089</u>	<u>2,265</u>	<u>2,424</u>
2	<u>7,050</u>	<u>1,118</u>	<u>1,616</u>	<u>1,902</u>	<u>2,102</u>	<u>2,278</u>	<u>2,438</u>
3	<u>7,100</u>	<u>1,124</u>	<u>1,625</u>	<u>1,913</u>	<u>2,114</u>	<u>2,291</u>	<u>2,452</u>
4	<u>7,150</u>	<u>1,130</u>	<u>1,634</u>	<u>1,924</u>	<u>2,126</u>	<u>2,304</u>	<u>2,466</u>
5	<u>7,200</u>	<u>1,137</u>	<u>1,644</u>	<u>1,935</u>	<u>2,138</u>	<u>2,317</u>	<u>2,480</u>
6	<u>7,250</u>	<u>1,143</u>	<u>1,653</u>	<u>1,946</u>	<u>2,150</u>	<u>2,331</u>	<u>2,494</u>
7	<u>7,300</u>	<u>1,150</u>	<u>1,662</u>	<u>1,957</u>	<u>2,162</u>	<u>2,344</u>	<u>2,508</u>
8	<u>7,350</u>	<u>1,156</u>	<u>1,671</u>	<u>1,968</u>	<u>2,174</u>	<u>2,357</u>	<u>2,522</u>
9	<u>7,400</u>	<u>1,162</u>	<u>1,681</u>	<u>1,979</u>	<u>2,186</u>	<u>2,370</u>	<u>2,536</u>
10	<u>7,450</u>	<u>1,169</u>	<u>1,690</u>	<u>1,989</u>	<u>2,198</u>	<u>2,383</u>	<u>2,550</u>
11	<u>7,500</u>	<u>1,175</u>	<u>1,699</u>	<u>2,000</u>	<u>2,210</u>	<u>2,396</u>	<u>2,564</u>
12	<u>7,550</u>	<u>1,182</u>	<u>1,709</u>	<u>2,011</u>	<u>2,223</u>	<u>2,409</u>	<u>2,578</u>
13	<u>7,600</u>	<u>1,188</u>	<u>1,718</u>	<u>2,022</u>	<u>2,235</u>	<u>2,422</u>	<u>2,592</u>
14	<u>7,650</u>	<u>1,194</u>	<u>1,727</u>	<u>2,033</u>	<u>2,247</u>	<u>2,435</u>	<u>2,606</u>
15	<u>7,700</u>	<u>1,201</u>	<u>1,736</u>	<u>2,044</u>	<u>2,259</u>	<u>2,449</u>	<u>2,620</u>
16	<u>7,750</u>	<u>1,207</u>	<u>1,746</u>	<u>2,055</u>	<u>2,271</u>	<u>2,462</u>	<u>2,634</u>
17	<u>7,800</u>	<u>1,214</u>	<u>1,755</u>	<u>2,066</u>	<u>2,283</u>	<u>2,475</u>	<u>2,648</u>
18	<u>7,850</u>	<u>1,220</u>	<u>1,764</u>	<u>2,077</u>	<u>2,295</u>	<u>2,488</u>	<u>2,662</u>
19	<u>7,900</u>	<u>1,226</u>	<u>1,772</u>	<u>2,087</u>	<u>2,306</u>	<u>2,500</u>	<u>2,675</u>
20	<u>7,950</u>	<u>1,231</u>	<u>1,780</u>	<u>2,096</u>	<u>2,316</u>	<u>2,511</u>	<u>2,687</u>
21	<u>8,000</u>	<u>1,237</u>	<u>1,788</u>	<u>2,105</u>	<u>2,327</u>	<u>2,522</u>	<u>2,699</u>
22	<u>8,050</u>	<u>1,242</u>	<u>1,796</u>	<u>2,115</u>	<u>2,337</u>	<u>2,533</u>	<u>2,710</u>
23	<u>8,100</u>	<u>1,247</u>	<u>1,804</u>	<u>2,124</u>	<u>2,347</u>	<u>2,544</u>	<u>2,722</u>
24	<u>8,150</u>	<u>1,253</u>	<u>1,812</u>	<u>2,133</u>	<u>2,357</u>	<u>2,555</u>	<u>2,734</u>
25	<u>8,200</u>	<u>1,258</u>	<u>1,820</u>	<u>2,143</u>	<u>2,368</u>	<u>2,567</u>	<u>2,746</u>
26	<u>8,250</u>	<u>1,263</u>	<u>1,827</u>	<u>2,152</u>	<u>2,378</u>	<u>2,578</u>	<u>2,758</u>
27	<u>8,300</u>	<u>1,269</u>	<u>1,835</u>	<u>2,161</u>	<u>2,388</u>	<u>2,589</u>	<u>2,770</u>
28	<u>8,350</u>	<u>1,274</u>	<u>1,843</u>	<u>2,171</u>	<u>2,398</u>	<u>2,600</u>	<u>2,782</u>
29	<u>8,400</u>	<u>1,280</u>	<u>1,851</u>	<u>2,180</u>	<u>2,409</u>	<u>2,611</u>	<u>2,794</u>

1	<u>8,450</u>	<u>1,285</u>	<u>1,859</u>	<u>2,189</u>	<u>2,419</u>	<u>2,622</u>	<u>2,806</u>
2	<u>8,500</u>	<u>1,290</u>	<u>1,867</u>	<u>2,198</u>	<u>2,429</u>	<u>2,633</u>	<u>2,818</u>
3	<u>8,550</u>	<u>1,296</u>	<u>1,874</u>	<u>2,208</u>	<u>2,440</u>	<u>2,644</u>	<u>2,830</u>
4	<u>8,600</u>	<u>1,301</u>	<u>1,882</u>	<u>2,217</u>	<u>2,450</u>	<u>2,656</u>	<u>2,842</u>
5	<u>8,650</u>	<u>1,307</u>	<u>1,890</u>	<u>2,226</u>	<u>2,460</u>	<u>2,667</u>	<u>2,853</u>
6	<u>8,700</u>	<u>1,312</u>	<u>1,898</u>	<u>2,236</u>	<u>2,470</u>	<u>2,678</u>	<u>2,865</u>
7	<u>8,750</u>	<u>1,317</u>	<u>1,906</u>	<u>2,245</u>	<u>2,481</u>	<u>2,689</u>	<u>2,877</u>
8	<u>8,800</u>	<u>1,323</u>	<u>1,914</u>	<u>2,254</u>	<u>2,491</u>	<u>2,700</u>	<u>2,889</u>
9	<u>8,850</u>	<u>1,328</u>	<u>1,922</u>	<u>2,263</u>	<u>2,501</u>	<u>2,711</u>	<u>2,901</u>
10	<u>8,900</u>	<u>1,333</u>	<u>1,929</u>	<u>2,273</u>	<u>2,511</u>	<u>2,722</u>	<u>2,913</u>
11	<u>8,950</u>	<u>1,339</u>	<u>1,937</u>	<u>2,282</u>	<u>2,522</u>	<u>2,734</u>	<u>2,925</u>
12	<u>9,000</u>	<u>1,344</u>	<u>1,945</u>	<u>2,291</u>	<u>2,532</u>	<u>2,745</u>	<u>2,937</u>
13	<u>9,050</u>	<u>1,350</u>	<u>1,953</u>	<u>2,301</u>	<u>2,542</u>	<u>2,756</u>	<u>2,949</u>
14	<u>9,100</u>	<u>1,355</u>	<u>1,961</u>	<u>2,310</u>	<u>2,552</u>	<u>2,767</u>	<u>2,961</u>
15	<u>9,150</u>	<u>1,360</u>	<u>1,969</u>	<u>2,319</u>	<u>2,563</u>	<u>2,778</u>	<u>2,973</u>
16	<u>9,200</u>	<u>1,366</u>	<u>1,977</u>	<u>2,329</u>	<u>2,573</u>	<u>2,789</u>	<u>2,984</u>
17	<u>9,250</u>	<u>1,371</u>	<u>1,984</u>	<u>2,338</u>	<u>2,583</u>	<u>2,800</u>	<u>2,996</u>
18	<u>9,300</u>	<u>1,377</u>	<u>1,992</u>	<u>2,347</u>	<u>2,594</u>	<u>2,812</u>	<u>3,008</u>
19	<u>9,350</u>	<u>1,382</u>	<u>2,000</u>	<u>2,356</u>	<u>2,604</u>	<u>2,823</u>	<u>3,020</u>
20	<u>9,400</u>	<u>1,387</u>	<u>2,008</u>	<u>2,366</u>	<u>2,614</u>	<u>2,834</u>	<u>3,032</u>
21	<u>9,450</u>	<u>1,393</u>	<u>2,016</u>	<u>2,375</u>	<u>2,624</u>	<u>2,845</u>	<u>3,044</u>
22	<u>9,500</u>	<u>1,398</u>	<u>2,024</u>	<u>2,384</u>	<u>2,635</u>	<u>2,856</u>	<u>3,056</u>
23	<u>9,550</u>	<u>1,403</u>	<u>2,031</u>	<u>2,394</u>	<u>2,645</u>	<u>2,867</u>	<u>3,068</u>
24	<u>9,600</u>	<u>1,409</u>	<u>2,039</u>	<u>2,403</u>	<u>2,655</u>	<u>2,878</u>	<u>3,080</u>
25	<u>9,650</u>	<u>1,414</u>	<u>2,047</u>	<u>2,412</u>	<u>2,665</u>	<u>2,889</u>	<u>3,092</u>
26	<u>9,700</u>	<u>1,420</u>	<u>2,055</u>	<u>2,422</u>	<u>2,676</u>	<u>2,901</u>	<u>3,104</u>
27	<u>9,750</u>	<u>1,425</u>	<u>2,063</u>	<u>2,431</u>	<u>2,686</u>	<u>2,912</u>	<u>3,116</u>
28	<u>9,800</u>	<u>1,430</u>	<u>2,071</u>	<u>2,440</u>	<u>2,696</u>	<u>2,923</u>	<u>3,127</u>
29	<u>9,850</u>	<u>1,436</u>	<u>2,079</u>	<u>2,449</u>	<u>2,707</u>	<u>2,934</u>	<u>3,139</u>

1	<u>9,900</u>	<u>1,441</u>	<u>2,086</u>	<u>2,459</u>	<u>2,717</u>	<u>2,945</u>	<u>3,151</u>
2	<u>9,950</u>	<u>1,447</u>	<u>2,094</u>	<u>2,468</u>	<u>2,727</u>	<u>2,956</u>	<u>3,163</u>
3	<u>10,000</u>	<u>1,452</u>	<u>2,102</u>	<u>2,477</u>	<u>2,737</u>	<u>2,967</u>	<u>3,175</u>

4 The share of the custodial parent is presumed to be spent directly for the benefit of the child.

5 Section 2. That § 25-7-6.14 be amended to read as follows:

6 25-7-6.14. ~~Unless~~ As used in this section, basic visitation means a parenting plan whereby
7 one parent has physical custody and the other parent has visitation with the child of the parties.

8 In a basic visitation situation, unless the parties otherwise agree and the agreement is approved
9 by the court, the court may, if deemed appropriate under the circumstances, order an abatement
10 of not less than thirty- eight percent nor more than sixty-six percent of the child support if:

- 11 (1) A child spends ten or more days in a month with the obligor; and
- 12 (2) The ~~number of~~ days of visitation and the abatement, ~~percentage or~~ amount are
13 specified in the court order; ~~and~~
- 14 ~~(3) The visitation is actually exercised.~~

15 The court shall allow the abatement to the obligor in the month in which the visitation is
16 exercised, unless otherwise ordered. The abatement shall be pro-rated to the days of visitation.
17 It shall be presumed that the visitation is exercised. If the visitation exercised substantially
18 deviates from the visitation ordered, either party may file a petition for modification without
19 showing any other change in circumstances.

20 As used in this section, shared responsibility means a parenting plan whereby each parent
21 provides a suitable home for the child of the parties, the court order allows the child to spend at
22 least one hundred twenty days in a calendar year in each home, and the parents share the duties,
23 responsibilities, and expenses of parenting. In a shared responsibility situation, unless the parties
24 otherwise agree and the agreement is approved by the court, the court may, if deemed

1 appropriate under the circumstances, order a shared responsibility cross credit. The cross credit
2 shall be calculated by multiplying the combined child support obligation using both parents'
3 monthly net incomes by 1.5 to arrive at a shared custody child support obligation. The shared
4 custody child support obligation shall be apportioned to each parent according to his or her net
5 income. A child support obligation is computed for each parent by multiplying that parent's
6 portion of the shared custody child support obligation by the percentage of time the child spends
7 with the other parent. The respective child support obligations are offset, with the parent owing
8 more child support paying the difference between the two amounts. It shall be presumed that the
9 shared responsibility parenting plan is exercised. If the parenting plan exercised substantially
10 deviates from the parenting plan ordered, either party may file a petition for modification without
11 showing any other change in circumstances.

12 The court shall consider each case individually before granting either the basic visitation or
13 shared responsibility adjustment to insure that the adjustment does not place an undue hardship
14 on the custodial parent or have a substantial negative effect on the child's standard of living.

15 Section 3. That § 25-7-6.7 be amended to read as follows:

16 25-7-6.7. Deductions from monthly gross income shall be allowed as follows:

- 17 (1) Income taxes withheld figured on the basis of two dependent exemptions for a single
18 taxpayer paid monthly rather than actual amount withheld;
- 19 (2) Estimated income taxes payable, prorated monthly;
- 20 (3) FICA taxes withheld from wages or salary;
- 21 (4) Retirement fund amounts withheld or paid directly to an IRS qualified retirement plan,
22 in a reasonable amount, ~~but, in all cases, limited to the amounts deductible for federal~~
23 ~~income tax purposes;~~
- 24 (5) Actual business expenses of an employee, incurred for the benefit of his employer, not

1 reimbursed;

2 (6) Payments made on other support and maintenance orders.

3 Section 4. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If, at any time, unpaid child support arrearages exist, the court may order the support obligor
6 to pay towards the arrearages such sums as are ordered by the court, in addition to any other
7 remedies of the support obligee.

8 Section 5. That § 25-7-6.3 be amended to read as follows:

9 25-7-6.3. The monthly net income of each parent shall be determined by ~~his~~ the parent's gross
10 income less allowable deductions, as set forth herein. The monthly gross income of each parent
11 includes amounts received from the following sources:

12 (1) Compensation paid to an employee for personal services, whether salary, wages,
13 commissions, bonus, or otherwise designated;

14 (2) Self-employment income including gain, profit, or loss from a business, farm, or
15 profession;

16 (3) Periodic payments from pensions or retirement programs, including social security or
17 veteran's benefits, disability payments or insurance contracts;

18 (4) Interest, dividends, rentals, royalties, or other gain derived from investment of capital
19 assets;

20 (5) Gain or loss from the sale, trade, or conversion of capital assets;

21 (6) Unemployment insurance benefits; and

22 (7) Worker's compensation benefits;

23 (8) Benefits in lieu of compensation including military pay allowances.

24 If the income of the parents is derived from seasonal employment, or received in payments

1 other than regular, recurring payments, such income shall be annualized to determine a monthly
2 average income.

3 Section 6. That § 25-5-18.1 be amended to read as follows:

4 25-5-18.1. The parents of any child are under a legal duty to support their child in
5 accordance with the provisions of § 25-7-6.1, until the child attains the age of eighteen, or until
6 the child attains the age of nineteen if ~~he~~ the child is a full-time student in a secondary school.
7 If it is determined by the court that the child support obligation survives the death of the parent,
8 the amount due may be modified, revoked, or commuted to a lump sum payment by the court,
9 taking into consideration all factors deemed relevant, including the financial resources of the
10 child and the other parent and the needs of the decedent's family.

11 Section 7. That § 25-7-6.10 be amended to read as follows:

12 25-7-6.10. Deviation from the schedule in § 25-7-6.2 shall be considered if raised by either
13 party and made only upon the entry of specific findings based upon any of the following factors:

- 14 (1) The income of a subsequent spouse or contribution of a third party to the income or
15 expenses of that parent but only if the application of the schedule works a financial
16 hardship on either parent;
- 17 (2) Any financial condition of either parent which would make application of the schedule
18 inequitable;
- 19 (3) ~~Whether the federal income tax dependent deduction for such minor child is allocated~~
20 ~~to the benefit of the support obligor or the custodial parent~~ The federal income tax
21 consequences arising from claiming the child as a dependent;
- 22 (4) Any special needs of the child;
- 23 (5) ~~The effect of custody and visitation provisions including whether children share~~
24 ~~substantial amounts of time with each parent;~~

1 —(6) For agreements entered into prior to July 1, 1986, if it is established by clear and
2 convincing evidence, that debts or property were exchanged for child support and it
3 appears equitable to continue such arrangement;

4 ~~(7)~~(6) The effect of agreements between the parents regarding extra forms of support for the
5 direct benefit of the child;

6 ~~(8)~~(7) The obligation of either parent to provide for subsequent natural children or
7 stepchildren. However, an existing support order may not be modified solely for this
8 reason; or

9 ~~(9)~~(8) The voluntary act of either parent which reduces that parent's income.

10 Section 8. That § 25-7-6.13 be amended to read as follows:

11 25-7-6.13. All orders for support entered and in effect prior to July 1, ~~1997~~ 2001, may be
12 modified in accordance with this chapter without requiring a showing of a change in
13 circumstances from the entry of the order.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0320

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1050 - 01/25/2001

Introduced by: The Committee on Judiciary at the request of the Department of Social
Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding genetic testing and
2 analysis in paternity cases.

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

4 Section 1. That § 25-8-7.1 be amended to read as follows:

5 25-8-7.1. In any action or proceeding in which the parentage of a child is at issue, upon
6 motion of the court, ~~or upon motion of the department,~~ or any of the interested parties for good
7 ~~cause shown,~~ the court shall, for good cause shown, order the mother, the child, ~~and~~ or any
8 alleged father to submit to an examination of blood, tissue, or other bodily substances for the
9 purpose of testing any genetic systems that are generally accepted within the scientific
10 community for the conclusive determination of paternity probability. The results of the tests,
11 together with the opinions and conclusions of the testing laboratory, shall be filed with the court.
12 Upon written agreement of the mother and any presumed or alleged father, tests may be
13 conducted prior to filing of an action. If the action is then filed, the test results shall be filed with
14 the court and admitted into evidence as provided in § 25-8-7.3.

1 Section 2. That § 25-8-7.2 be amended to read as follows:

2 25-8-7.2. Only a physician, laboratory technician, registered nurse, physician's assistant,
3 phlebotomist, expanded role licensed practical nurse, medical technician, or medical technologist,
4 acting under court order, or at the request of both the mother and any alleged father of the child,
5 may withdraw blood, ~~tissue~~ for the purpose of testing genetic systems to determine parentage.
6 Tissue, saliva, or other bodily substances may be withdrawn, by a qualified person, acting under
7 court order, or at the request of both the mother and any alleged father of the child, using a
8 noninvasive procedure, for the purpose of testing genetic systems to determine parentage. ~~Such~~
9 ~~persons~~ No person, and any no entity, hospital, or laboratory employing such ~~persons, are not~~
10 person, is liable for damages to the party from whom the blood, tissue, or other bodily substance
11 is withdrawn, if the withdrawal is administered with usual and ordinary care.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0259

SENATE ENGROSSED NO. **HB 1067** - 01/29/2001

Introduced by: The Committee on Education at the request of the Department of
Education and Cultural Affairs

1 FOR AN ACT ENTITLED, An Act to prohibit school boards from employing any person whose
2 certificate has been revoked or suspended and to prohibit the suspension of a certificate
3 under certain circumstances.

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

5 Section 1. That chapter 13-43 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No school board may employ a person whose certificate is revoked pursuant to § 13-42-9
8 or 13-42-10 or during the term of a suspension pursuant to § 13-42-9.

9 Section 2. That § 13-42-9 be amended to read as follows:

10 13-42-9. The secretary of the Department of Education and Cultural Affairs may revoke or
11 suspend any certificate for any cause which would have prevented its issue, plain violation of
12 contract, gross immorality, incompetency, violation of the code of ethics in effect on January 1,
13 1999, as determined by the Professional Teachers Practices and Standards Commission or the
14 Professional Administrators Practices and Standards Commission, or flagrant neglect of duty,
15 and may suspend any certificate for a period not to exceed one year for breaking or jumping a

1 contract, if such suspension is requested by the school board. However, the secretary may not
2 suspend a certificate for breaking or jumping a contract if the school board collected liquidated
3 damages pursuant to the terms of the contract.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

259E0464

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1109 - 01/27/2001

Introduced by: Representatives Hennies (Thomas), Bartling, Burg, Clark, Frost, Garnos, Hunhoff, Jensen, McCaulley, Rhoden, and Slaughter and Senators Albers, Diedrich (Elmer), McCracken, Putnam, and Vitter

1 FOR AN ACT ENTITLED, An Act to permit the detention in an adult jail of certain juveniles
2 convicted as adults.

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

4 Section 1. That § 26-7A-26 be amended to read as follows:

5 26-7A-26. No apparent, alleged, or adjudicated abused or neglected child may be securely
6 detained at any time in a jail, lockup, or in any type of detention or temporary care facility
7 containing adult prisoners.

8 An apparent, alleged, or adjudicated child in need of supervision or an apparent, alleged, or
9 adjudicated delinquent child fourteen years of age or older may be held in detention in an adult
10 lockup or jail if physically separated from adult prisoners subject to any restrictions under this
11 chapter or chapter 26-8A, 26-8B, or 26-8C.

12 An apparent, alleged, or adjudicated child in need of supervision or an apparent, alleged, or
13 adjudicated delinquent child may be held in an adult lockup or jail for up to six hours for
14 purposes of identification, processing, interrogation, transfer to juvenile facility, or release to

1 parents if the child is physically separated from adult prisoners.

2 A child who has been transferred to adult court pursuant to § 26-11-4 or a child who is being
3 tried in circuit court as an adult pursuant to § 26-11-3.1 may be held in detention in an adult
4 lockup or jail if physically separated from adult prisoners.

5 A child who has attained the age of majority who is under the continuing jurisdiction of the
6 court may be held in detention in an adult jail or lockup.

7 A child under the age of eighteen years who has been transferred to adult court pursuant to
8 § 26-11-3.1 or 26-11-4 and who has been convicted of a felony as an adult may be held in
9 detention in an adult jail or lockup.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

337E0252

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1144** - 01/29/2001

Introduced by: Representatives Kooistra, Garnos, and McCoy and Senator Staggers

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to child custody.

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

3 Section 1. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 No parent entitled to the custody of a child may change the residence of the child to another
6 state or remove the child a distance of greater than fifty miles from the noncustodial parent for
7 a period of time exceeding sixty days except upon an order of the court which has continuing
8 jurisdiction concerning the custody of the child or with the written consent of every other person
9 who has a right to custody or visitation with the child.

10 Section 2. That § 25-5-13 be repealed.

11 ~~— 25-5-13. A parent entitled to the custody of a child has the right to change his residence,~~
12 ~~subject to the power of the circuit court to restrain a removal which would prejudice the rights~~
13 ~~or welfare of the child.~~

14 Section 3. That § 25-5-7.3 be amended to read as follows:

15 25-5-7.3. Notwithstanding any other provision of law, access to records and information

1 pertaining to a minor child, including, but not limited to, medical, including counseling, dental,
2 including orthodontia, optometric and similar health care, and school records, may not be denied
3 to a parent because such parent is not the child's primary residential parent. No parent may deny
4 the access requested by the other parent.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0290

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 34 - 01/12/2001

Introduced by: The Committee on Commerce at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to allow weights and measures inspections to be performed
2 biennially.

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

4 Section 1. That § 37-21-18 be amended to read as follows:

5 37-21-18. Any person who, ~~by himself, or by his servant or agent or as the servant or agent~~
6 ~~of another person:~~

7 (1) ~~Shall offer or expose~~ Offers or exposes for sale, ~~sell, use~~ sells, uses in buying or
8 selling of any commodity or thing, or for hire or award, or ~~retain~~ retains in his
9 possession a false weight or measure or measuring or weighing device, or any weight
10 or measure or weighing or measuring device ~~which~~ that has not been sealed by the
11 Division of Commercial Inspection and Regulation within ~~one year~~ two years; ~~or~~

12 (2) ~~Shall dispose~~ Disposes of any condemned weight, measure, or weighing or measuring
13 device contrary to law; ~~or~~

14 (3) ~~Shall remove~~ Removes any tag placed thereon by the Division of Commercial

- 1 Inspection and Regulation; ~~or~~
- 2 (4) ~~Shall sell or offer or expose~~ Sells, offers, or exposes for sale less than the quantity ~~he~~
- 3 the person represents; ~~or~~
- 4 (5) ~~Shall take or attempt~~ Takes or attempts to take more than the quantity ~~he~~ the person
- 5 represents, when as the buyer, ~~he~~ the person furnished the weight, measure, or
- 6 weighing or measuring device by means of which the amount of the commodity is
- 7 determined; ~~or~~
- 8 (6) ~~Shall keep~~ Keeps for the purpose of sale, ~~offer or expose~~ offers or exposes for sale,
- 9 or ~~sell~~ sells any commodity in a manner contrary to law; ~~or~~
- 10 (7) ~~Shall violate~~ Violates any provision of chapters 37-20 to 37-22, inclusive, for which
- 11 a specific penalty has not been provided; or
- 12 (8) ~~Shall sell or offer~~ Sells, offers to sell or use or have, uses, or has in his possession for
- 13 the purpose of selling or using any device or instrument to be used, or calculated to
- 14 falsify any weight or measure;
- 15 is guilty of a Class 2 misdemeanor.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0306

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 35** - 01/16/2001

Introduced by: The Committee on Commerce at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to require insurance producers to sell only investments
2 authorized pursuant to certain provisions.

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

4 Section 1. That chapter 58-33 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No insurance producer may offer or sell any security in this state unless the insurance
7 producer is properly registered or exempt from registration pursuant to chapter 47-31A.

8 Section 2. That chapter 58-33 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 No insurance producer may offer or sell any security in this state unless the security is
11 registered or exempt from registration pursuant to chapter 47-31A.

12 Section 3. That chapter 58-33 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 No insurance producer may offer or sell any business opportunity in this state unless the

1 business opportunity is registered or exempt from registration under chapter 37-25A.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0302

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 36** - 01/16/2001

Introduced by: The Committee on Commerce at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to revise nonrenewal and preexisting condition provisions
2 and to correct outdated references for health insurance plans.

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

4 Section 1. That § 58-17-69 be amended to read as follows:

5 58-17-69. For purposes of §§ 58-17-66 to 58-17-87, inclusive, the term, creditable coverage,
6 means benefits or coverage provided under:

7 (1) An employer-based health insurance or health benefit arrangement that provides
8 benefits similar to or exceeding benefits provided under the basic health benefit plan
9 or an employee welfare benefit plan as defined in section 3(1) of the Employee
10 Retirement Income Security Act of 1974 as adopted by the director pursuant to
11 chapter 1-26, to the extent that the plan provides directly or through insurance,
12 reimbursement or otherwise to employees or their dependents medical care for the
13 diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for
14 the purpose of affecting any structure or function of the body and amounts paid for

- 1 the transportation primarily for and essential to medical care;
- 2 (2) An individual health benefit plan, including coverage issued by any health maintenance
3 organization or pre-paid hospital or medical services plan that provides benefits
4 similar to or exceeding the benefits provided under the basic health benefit plan as
5 approved pursuant to ~~§ 58-18B-32~~ chapter 1-26, but excluding limited benefit plans
6 and dread disease plans;
- 7 (3) Medicare or medicaid;
- 8 (4) Chapter 55 of Title 10, United States Code;
- 9 (5) A medical care program of the Indian Health Service or of a tribal organization;
- 10 (6) A state health benefits risk pool;
- 11 (7) A health plan offered under Chapter 89 of Title 5, United States Code;
- 12 (8) A public health plan;
- 13 (9) A health benefit plan under section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e));
- 14 (10) A church plan;
- 15 (11) A college plan; or
- 16 (12) A short term or limited duration plan.

17 Section 2. That § 58-17-84 be amended to read as follows:

18 58-17-84. Any health benefit plan covering individuals shall comply with the following
19 provisions:

- 20 (1) No health benefit plan may deny, exclude, or limit benefits for a covered individual for
21 claims incurred more than twelve months following the effective date of the person's
22 coverage due to a preexisting condition. No health benefit plan may define a
23 preexisting condition more restrictively than:
- 24 (a) A condition that would have caused an ordinarily prudent person to seek

1 medical advice, diagnosis, care, or treatment during the twelve months
2 immediately preceding the effective date of coverage;

3 (b) A condition for which medical advice, diagnosis, care, or treatment was
4 recommended or received during the twelve months immediately preceding the
5 effective date of coverage; or

6 (c) A pregnancy existing on the effective date of coverage;

7 (2) A health benefit plan shall waive any time period applicable to a preexisting condition
8 exclusion or limitation period with respect to particular services for the aggregate
9 period of time a person was previously covered by creditable coverage, excluding
10 limited benefit plans and dread disease plans that provided benefits with respect to
11 such services, if the creditable coverage was continuous to a date not more than
12 sixty-three days before the application for the new coverage. A period of time a
13 person was previously covered may not be aggregated if there was a break in
14 coverage of sixty-three days or more. The plan shall count a period of creditable
15 coverage without regard to the specific benefits covered under the plan, unless the
16 plan elects to credit it based on coverage of benefits within several classes or
17 categories of benefits specified in rules adopted pursuant to chapter 1- 26, by the
18 director;

19 (3) A health maintenance organization which does not utilize a preexisting waiting period
20 may use an affiliation period in lieu of a preexisting waiting period. No affiliation
21 period may exceed two months in length. No premium may be charged for any
22 portion of the affiliation period. If the health maintenance organization utilizes neither
23 a preexisting waiting period nor an affiliation period, the health maintenance
24 organization may use other criteria designed to avoid adverse selection provided that

1 those criteria are approved by the director;

2 (4) Genetic information may not be treated as a condition for which a preexisting
3 condition exclusion may be imposed in the absence of a diagnosis of the condition
4 related to such information; and

5 (5) A carrier may not exclude coverage for a preexisting condition which arose after a
6 person began creditable coverage if there was not a break in coverage which exceeded
7 sixty-three days.

8 For purposes of this section, the effective date of coverage is the first day the person became
9 covered for either accidents or sicknesses.

10 Section 3. That § 58-17-85 be amended to read as follows:

11 58-17-85. If a person has an aggregate of at least twelve months of creditable coverage, the
12 carrier shall accept such person for coverage under a health benefit plan, which contains benefits
13 which are equal to or exceed the benefits contained in the basic plan that was approved pursuant
14 to ~~§ 58-18B-32~~ and adopted by rule by the director pursuant to chapter 1-26 and the maximum
15 lifetime maximum benefit of the coverage is not less than one million dollars if the person applies
16 within sixty-three days of the date of losing prior creditable coverage. In addition to the plan
17 which equals or exceeds the basic coverage, the carrier shall also offer to the eligible person, the
18 individual standard plan as approved and adopted by rule by the director or a plan with benefits
19 that exceed the standard plan. No carrier is required to issue further individual health benefit
20 coverage under §§ 58-17-68 to 58-17-87, inclusive, if the individual health benefit plans issued
21 to high-risk individuals constitute two percent or more of that carrier's earned premium on an
22 annual basis from individual health benefit plans covered by §§ 58-17-66 to 58-17-87, inclusive.
23 Each carrier who meets the two percent earned premium threshold shall report within thirty days
24 to the director in a format prescribed by the director. If the director determines that all carriers

1 in the individual market have met the two percent threshold, the threshold shall, upon order of
2 the director, be expanded an additional two percent. The threshold shall be expanded in
3 additional two percent increments if all carriers in the individual market meet the previous
4 threshold. The director may promulgate rules pursuant to chapter 1-26 to determine which
5 individual policies may be used to determine the two percent threshold, the procedures involved,
6 and the applicable time frames. In making that determination, the director shall develop a method
7 designed to limit the number of high-risk individuals to whom any one carrier may be required
8 to issue coverage. No carrier is required to provide coverage pursuant to this section if:

- 9 (1) The applicant is eligible for continuation of coverage under an employer plan;
- 10 (2) The applicant's creditable coverage is a conversion plan from an employer group plan;
- 11 (3) The person is covered or eligible to be covered under creditable coverage or lost
12 creditable coverage due to nonpayment of premiums; or
- 13 (4) The person loses coverage under a short term or limited duration plan.

14 Any person who has exhausted continuation rights and who is eligible for conversion or other
15 individual or association coverage has the option of obtaining coverage pursuant to this section
16 or the conversion plan or other coverage. A person who is otherwise eligible for the issuance of
17 coverage pursuant to this section may not be required to show proof that coverage was denied
18 by another carrier.

19 Section 4. That § 58-17-97 be amended to read as follows:

20 58-17-97. Any accident and sickness policy or certificate subject to the provisions of this
21 chapter, other than a health benefit plan as defined in ~~subdivision 58-17-66(8)~~ § 58-17-66, shall
22 comply with the following provisions:

- 23 (1) No policy or certificate may deny, exclude, or limit benefits for a covered individual
24 for claims incurred more than twelve months following the effective date of the

1 person's coverage due to a preexisting condition;

2 (2) No policy or certificate may define a preexisting condition more restrictively than:

3 (a) A condition that would have caused an ordinarily prudent person to seek
4 medical advice, diagnosis, care, or treatment during the twelve months
5 immediately preceding the effective date of coverage;

6 (b) A condition for which medical advice, diagnosis, care, or treatment was
7 recommended or received during the twelve months immediately preceding the
8 effective date of coverage; or

9 (c) A pregnancy existing on the effective date of coverage.

10 Section 5. That § 58-18-46 be amended to read as follows:

11 58-18-46. Except as provided in §§ 58-18-42 to 58-18-49, inclusive, a health benefit plan
12 subject to this chapter is renewable to all eligible employees and dependents at the option of the
13 employer, except for the following reasons:

14 (1) The employer has failed to pay premiums or contributions in accordance with the
15 terms of the health insurance coverage or the insurer has not received timely premium
16 payments;

17 (2) Fraud or intentional misrepresentation of material fact by the employer;

18 (3) Noncompliance with the carrier's employer contribution or participation requirements;

19 (4) The number of individuals covered under the plan is less than the number or
20 percentage of eligible individuals required under the plan;

21 ~~(5) The employer is no longer actively engaged in the business in which it was engaged
22 on the effective date of the plan;~~

23 ~~(6)~~—In the case of a health insurance issuer that offers health insurance coverage in the
24 market through a network plan, there is no longer any enrollees in connection with

1 the plan who live, reside, or work in the service area of the issuer or in the area for
2 which the issuer is authorized to do business and the issuer would deny enrollment
3 with respect to the plan as provided for in § 58-18B-37;

4 ~~(7)~~(6) The employer carrier elects to nonrenew all of its health benefit plans delivered or
5 issued for delivery to employers in this state;

6 ~~(8)~~(7) In the case of health insurance coverage that is made available only through one or
7 more bona fide associations, the membership of an employer in the association (on the
8 basis of which the coverage is provided) ceases but only if the coverage is terminated
9 uniformly without regard to any health status-related factor relating to any covered
10 individual; or

11 ~~(9)~~(8) If the issuer decides to discontinue offering a particular type of group health insurance
12 offered in the group market, coverage of such type may be discontinued if:

13 (a) The issuer provides notice to each employer provided coverage of this type in
14 such market (and any participant and beneficiary covered under such coverage)
15 of the discontinuation at least ninety days prior to the date of the
16 discontinuation of the coverage;

17 (b) The issuer offers to each employer provided coverage of this type in such
18 market, the option to purchase all other health insurance coverage currently
19 being offered by the issuer to a group health plan in such market;

20 (c) In exercising the option to discontinue coverage of this type and in offering the
21 option of coverage under subsection (b), the issuer acts uniformly without
22 regard to the claims experience of those employers or any health status-related
23 factor relating to any participant or beneficiary covered or any new participant
24 or beneficiary who may become eligible for such coverage.

1 If a carrier nonrenews a health benefit plan pursuant to this section, the director shall assist
2 affected employers in finding replacement coverage.

3 Section 6. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any accident and sickness plan or certificate other than a health benefit plan is subject to
6 subdivision 58-18-45(1).

7 Section 7. That § 58-18-45 be amended to read as follows:

8 58-18-45. Health benefit plans shall comply with the following provisions:

- 9 (1) No health benefit plan may deny, exclude, or limit benefits for a covered individual for
10 claims incurred more than twelve months following the effective date of the
11 individual's coverage due to a preexisting condition. No health benefit plan may define
12 a preexisting condition more restrictively than a condition for which medical advice,
13 diagnosis, care, or treatment was recommended or received during the six months
14 immediately preceding the effective date of coverage;
- 15 (2) A health benefit plan shall waive any time period applicable to a preexisting condition
16 exclusion or limitation period for the aggregate period of time an individual was
17 previously covered by creditable coverage that provided benefits with respect to such
18 services, if the creditable coverage was continuous to a date not more than sixty-three
19 days prior to the effective date of the new coverage. The waiver for prior creditable
20 coverage also applies to late enrollees. A period of time a person was previously
21 covered may not be aggregated if there was a break in coverage of sixty-three days
22 or more. The plan shall count a period of creditable coverage, without regard to the
23 specific benefits covered under the plan, unless the plan elects to credit it based on
24 coverage of benefits within several classes or categories of benefits specified in rules

1 adopted by the director. A carrier may not exclude coverage for a preexisting
2 condition which arose after a person began creditable coverage if there was not a
3 break in coverage which exceeded sixty-three days;

4 (3) A health benefit plan may exclude coverage for late enrollees for the greater of
5 eighteen months or for an eighteen-month preexisting condition exclusion. However,
6 if both a period of exclusion from coverage and a preexisting condition exclusion are
7 applicable to a late enrollee, the combined period may not exceed eighteen months
8 from the date the individual enrolls for coverage under the health benefit plan;

9 (4) Genetic information may not be treated as a condition for which a preexisting
10 condition exclusion may be imposed in the absence of a diagnosis of the condition
11 related to such information;

12 (5) A health maintenance organization which does not utilize a preexisting waiting period
13 may use an affiliation period in lieu of a preexisting waiting period. No affiliation
14 period may exceed two months in length. No premium may be charged for any
15 portion of the affiliation period. If the health maintenance organization utilizes neither
16 a preexisting waiting period nor an affiliation period, the health maintenance
17 organization may use other criteria designed to avoid adverse selection provided that
18 those criteria are approved by the director. In the case of a late enrollee who is subject
19 to an affiliation period, the affiliation period may not exceed three months.

20 For purposes of this section, the effective date of coverage is the first day the person became
21 covered for either accidents or sicknesses.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0308

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 37** - 01/16/2001

Introduced by: The Committee on Commerce at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for continuation and
2 conversion of employer health plans.

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

4 Section 1. That § 58-18C-1 be amended to read as follows:

5 58-18C-1. Every policy of group health insurance providing benefits for hospital or medical
6 expenses delivered or issued for delivery in this state, by a commercial health insurance company,
7 by a nonprofit medical and surgical service plan corporation, by a nonprofit hospital service plan
8 corporation, by a health maintenance organization, or by any other similar mechanism shall, in
9 addition to the provisions required by law, include the right of each employee, upon their
10 employer ceasing operations and the termination of the policy or contract, to have the coverage
11 continue for themselves and their eligible dependents, effective as of the date of loss of the
12 previous group coverage, for a period of ~~eighteen~~ twelve months for which the employee shall
13 be financially responsible. In addition, if an employer either fails to submit premium payment to
14 the insurance company resulting in loss of coverage to its employees or cancels the coverage and

1 does not notify the employees of such loss of coverage, the employees and their dependents are
2 then eligible for continuation pursuant to this section if election is made within sixty days of the
3 date of their being notified of the loss of coverage. The employer shall provide notice of any
4 nonpayment of premiums or cancellation of coverage to employees as soon as reasonably
5 possible but no later than ten days after the date of cancellation. If the employer fails to notify
6 the employees and their dependents of the termination of coverage within ten days, the
7 employees and dependents may not be denied coverage by the insurer provided timely election
8 is made after actual receipt of notice. Whether notice is provided or not, the election period for
9 continuation of coverage may expire ninety days from the date the group coverage terminated.
10 Any premiums due for the continuation of coverage may be required to be paid by the employee
11 or dependent as a condition of providing continuation coverage.

12 Section 2. That § 58-18-7.4 be amended to read as follows:

13 58-18-7.4. An employee or qualified beneficiary who has the right under the group policy to
14 ~~continue or convert his~~ the group accident or health insurance plan shall be issued, without
15 evidence of insurability, upon application to the company ~~within thirty days of receipt of due~~
16 ~~notice of termination of coverage;~~ during the one hundred eighty days prior to expiration of
17 coverage under continuation and upon payment of the appropriate premium, a policy of accident
18 or health insurance. The conversion coverage shall provide the benefits which are ~~most nearly~~
19 ~~similar to the existing coverages. Any and all probationary or waiting periods set forth in such~~
20 ~~policy shall be considered as being met to the extent coverage was in force under the prior policy~~
21 available to others qualified for conversion under the policy.

22 Section 3. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 Continuation coverage shall be the same coverage as is available to any similarly situated

1 beneficiary under the plan with respect to whom a qualifying event has not occurred. If coverage
2 is modified under the plan for any group of similarly situated beneficiaries who are not under
3 continuation, such coverage shall also be modified for those continuing coverage in the same
4 manner as for all individuals who are qualified beneficiaries under the plan pursuant to the
5 continuation requirements of this chapter in connection with such group.

6 Section 4. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 No new probationary or waiting period may be applied to the continuation or conversion
9 coverage.

10 Section 5. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Nothing in sections 2 to 16, inclusive, of this Act applies to or qualifies any person for any
13 continuation or conversion right available in chapter 58-18C.

14 Section 6. That § 58-18-7.5 be amended to read as follows:

15 58-18-7.5. Every health benefit program that is self-insured, and every policy of group health
16 insurance providing benefits for hospital or medical expenses delivered or issued for delivery in
17 this state, by a commercial health insurance company, by a nonprofit medical and surgical service
18 plan corporation, by a nonprofit hospital service plan corporation, by a health maintenance
19 organization or by any other similar mechanism shall, in addition to the provisions required by
20 law, include that employees have a right upon leaving employment or the termination of the
21 coverage by the insurer, other than the termination of the policy or contract itself and the
22 replacement thereof by similar coverage, to have the coverage continue for themselves and their
23 eligible dependents for a period of eighteen months for which the employee shall be financially
24 responsible. In the case of a qualified beneficiary who is determined under title II or XVI of the

1 Social Security Act (42 U.S.C. 401) to have been disabled at any time during the first sixty days
2 of continuation coverage, coverage can be continued for twenty-nine months. Nonpayment of
3 the premium by the employer is termination by the employer.

4 Section 7. That § 58-18-7.6 be repealed.

5 ~~—58-18-7.6. Each plan of benefits, contract or policy stated in § 58-18-7.5 shall also provide~~
6 ~~an employee or qualified beneficiary with the right, upon the employee leaving employment or~~
7 ~~the termination of coverage under the group by the insurer, other than the termination of~~
8 ~~coverage and replacement thereof by similar coverage or at the end of continuation, to an~~
9 ~~individual conversion policy or contract without additional underwriting restrictions. The~~
10 ~~conversion policy shall consist of a plan of individual coverage that closely approximates the~~
11 ~~coverage provided under the group, and shall be renewable at the option of the insured.~~
12 ~~Nonpayment of premium by the employer is termination by the employer.~~

13 Section 8. That § 58-18-7.7 be repealed.

14 ~~—58-18-7.7. Continuation and conversion shall only be available to an employee or member~~
15 ~~who has been continuously insured under the group policy and for similar benefits under any~~
16 ~~group policy which it replaced during the entire six-month period ending with such termination.~~

17 Section 9. That § 58-18-7.8 be repealed.

18 ~~—58-18-7.8. Written notice of termination of group coverage shall be provided by the~~
19 ~~employer to each employee having coverage within ten days of termination, unless uninterrupted~~
20 ~~and continuous group coverage is otherwise provided to the group. The notice shall contain such~~
21 ~~information as required by the director.~~

22 Section 10. That § 58-18-7.9 be repealed.

23 ~~—58-18-7.9. Any employee or qualified beneficiary may exercise his right to conversion or~~
24 ~~continuation within thirty days of receipt of due notice of termination of coverage of the group~~

1 ~~and upon payment of premiums from the date of termination.~~

2 Section 11. That § 58-18-7.10 be repealed.

3 ~~—58-18-7.10. The conversion policy shall cover the employee or member and a qualified~~
4 ~~beneficiary who was covered by the group policy on the date of termination of insurance. At the~~
5 ~~option of the insurer, a separate conversion policy may be issued to cover any dependent.~~

6 Section 12. That § 58-18-7.11 be amended to read as follows:

7 58-18-7.11. No insurer may be required to offer or renew a continuation or conversion policy
8 covering any person if:

- 9 (1) The person is covered for similar benefits by another individual or group policy;
- 10 (2) Similar benefits are provided for or available to such person, by reason of any state
11 or federal law, except any person who becomes entitled to Medicare on or before
12 continuation is elected or who is covered under another group plan on or before
13 continuation is elected;
- 14 (3) The benefits under sources of the kind referred to in subdivision (1) for such person
15 or benefits provided or available under sources of the kind referred to in subdivision
16 (2) for such person, together with the continued or converted policy's benefits, would
17 result in overinsurance according to the insurer's standards for overinsurance;
- 18 (4) There has been fraud or material misrepresentation in applying for any benefits under
19 continued or converted policy;
- 20 (5) The person failed to pay any required contribution; ~~or~~
- 21 (6) Cancellation of all similar insurance policies in the entire state;
- 22 (7) For cause on the same basis, the plan could terminate the coverage of a similarly
23 situated active employee; or
- 24 (8) Termination of employment for gross misconduct.

1 Section 13. That § 58-18-7.12 be amended to read as follows:

2 58-18-7.12. Subject to the conditions set forth for continuation in §§ 58-18-7 to 58-18-7.11,
3 inclusive, a qualified beneficiary may continue his coverage for a total of thirty-six months under
4 the following conditions:

- 5 (1) If at the death of the employee or member, the qualified beneficiary's coverage under
6 the group policy terminates by reason of such death;
- 7 (2) If a qualified beneficiary ceases to be a qualified family member under the group
8 policy, while the employee or member remains insured under the policy;
- 9 (3) Any medicare ineligible qualified beneficiary of a current employee; ~~or~~
- 10 (4) The qualified beneficiary of an employee who is eligible for medicare; or
- 11 (5) Divorce or legal separation of employee.

12 Section 14. That § 58-18-7.13 be amended to read as follows:

13 58-18-7.13. The premium for the conversion policy shall be determined in accordance with
14 the insurer's table of premium rates applicable to the age and class of risk for each person to be
15 covered under that policy and to the type and amount of insurance provided. The premium for
16 a continuation policy may not be greater than one hundred two percent of the group rate under
17 which a person is covered. For any month after the eighteenth month, the premium amount may
18 not exceed one hundred fifty percent of the applicable premium.

19 Section 15. That § 58-18-7.16 be repealed.

20 ~~58-18-7.16. Terms used in §§ 58-18-7 to 58-18-7.15, inclusive, mean:~~

- 21 ~~(1) "Leaving employment," the involuntary or voluntary reduction of hours, layoffs,~~
22 ~~self-termination of employment, or any other reason for termination of employment;~~
- 23 ~~(2) "Qualified beneficiary," spouse, divorced or separated spouse or dependents.~~

24 Section 16. That § 58-18-79 be amended to read as follows:

1 58-18-79. If any federal standards are in place which require additional steps to meet those
2 standards beyond what is required by this chapter, the director may promulgate rules pursuant
3 to chapter 1-26 to require the offering of health insurance plans, the underwriting criteria that
4 may be utilized for such health insurance plans, the type and scope of preexisting waiting periods
5 and creditable coverage, the standards for nonrenewability of coverage, and other requirements
6 related to the availability of health insurance to employers and their employees and dependents
7 in this state in order to minimally meet the federal standards.

8 The director may also promulgate rules, pursuant to chapter 1-26, pertaining to employer
9 health benefit plans in the areas of:

- 10 (1) Definition of terms;
- 11 (2) The issuance of certificates of coverage upon loss of health insurance coverage;
- 12 (3) Determinations relative to the application of waiting periods;
- 13 (4) Special enrollment periods;
- 14 (5) Treatment of late enrollees;
- 15 (6) Preexisting condition and other waiting periods;
- 16 (7) Breaks in coverage;
- 17 (8) Affiliation periods;
- 18 (9) Nondiscrimination standards;
- 19 (10) Notices;
- 20 (11) Renewal rights;
- 21 (12) Dates of enrollment;
- 22 (13) Creditable coverages including methods of crediting coverage;
- 23 (14) Risk spreading mechanisms; ~~and~~
- 24 (15) Requirements pertaining to mental health benefit levels in employer group plans other

- 1 than small employer group plans; and
- 2 (16) Continuation and conversion requirements.