



2024 South Dakota Legislature  
**Senate Bill 29**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

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

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

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

**33-6-7.** To be eligible for a tuition benefit under § 33-6-5, 33-6-5.1, 33-6-6, or section 2 of this Act, an individual must:

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

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

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

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 29

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2024 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2024

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2024  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 29  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State