

2023 South Dakota Legislature

House Bill 1039**AMENDMENT 1039A FOR THE INTRODUCED BILL**

1 **An Act to revise certain provisions regarding the payment of tuition for members**
2 **of the South Dakota National Guard.**

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

4 **Section 1. That § 33-6-5 be AMENDED:**

5 **33-6-5.** Any member of the ~~National Guard of the State of South Dakota~~ National
6 Guard is, upon compliance with all the requirements for admission and subject to the
7 provisions of § 33-6-7, entitled to a benefit as prescribed by this section and ~~§ 33-6-5.1~~
8 § 33-6-5.2 to attend and pursue any undergraduate course or courses in any state
9 educational institution under the control and management of the Board of Regents. Any
10 member of South Dakota National Guard who is a resident of the state is entitled to a
11 benefit of ~~fifty one hundred~~ percent of the in-state resident tuition to be paid or otherwise
12 credited by the Board of Regents. ~~Any nonresident~~ Any member of the South Dakota
13 National Guard who is not a resident of the state is entitled to a benefit of ~~fifty one hundred~~
14 percent of the in-state resident tuition to be paid or otherwise credited by the Board of
15 Regents. However, the state benefit is paid after applying the federal tuition benefit. The
16 total federal and state benefit may not exceed one hundred percent of the tuition cost.
17 The benefits established under §§ 33-6-5 to 33-6-8, inclusive, may not exceed one
18 hundred twenty-eight credit hours towards a baccalaureate degree.

19 **Section 2. That § 33-6-5.1 be AMENDED:**

20 **33-6-5.1.** Any member of the ~~National Guard of the State of South Dakota~~ South
21 Dakota National Guard is, upon compliance with all the requirements for admission and
22 subject to the provisions of § 33-6-7, entitled to a benefit as prescribed by ~~§§ 33-6-5.1~~
23 this section and § 33-6-5.3. Any member of the ~~National Guard of the State of South~~
24 ~~Dakota~~ South Dakota National Guard who is enrolled in a program leading toward a
25 graduate degree in any state educational institution under the control and management

1 of the Board of Regents, including institutions or courses not subsidized by the general
2 fund, is entitled to a benefit of fifty one hundred percent of the in-state resident graduate
3 tuition to be paid or otherwise credited by the Board of Regents. However, the state benefit
4 is paid after applying the federal tuition benefit. The total federal and state benefit may
5 not exceed one hundred percent of the tuition cost. The benefit provided by ~~§§ 33-6-5.1~~
6 this section and ~~33-6-5.2~~ § 33-6-5.3 may not exceed thirty-two credit hours toward a
7 graduate degree.

8 **Section 3. That § 33-6-5.2 be AMENDED:**

9 **33-6-5.2.** Notwithstanding the provisions of § 13-55-23, an eligible member of
10 the South Dakota National Guard ~~members~~ enrolled in undergraduate courses under the
11 control and management of the Board of Regents not subsidized by the general fund are
12 entitled to a benefit of fifty one hundred percent of the in-state resident tuition to be paid
13 or otherwise credited by the Board of Regents. However, the state benefit is paid after
14 applying the federal tuition benefit. The total federal and state benefit may not exceed
15 one hundred percent of the tuition cost.

16 **Section 4. That § 33-6-5.3 be AMENDED:**

17 **33-6-5.3.** Notwithstanding the provisions of § 13-55-23, an eligible member of
18 the South Dakota National Guard ~~members~~ enrolled in graduate courses under the control
19 and management of the Board of Regents not subsidized by the general fund are entitled
20 to a benefit of fifty one hundred percent of the in-state resident tuition to be paid or
21 otherwise credited by the Board of Regents. However, the state benefit is paid after
22 applying the federal tuition benefit. The total federal and state benefit may not exceed
23 one hundred percent of the tuition cost.

24 **Section 5. That § 33-6-6 be AMENDED:**

25 **33-6-6.** Any member of the ~~National Guard of the State of South Dakota~~ National
26 Guard, who is a resident of the state and who possesses the entrance requirements for
27 admission to any technical college program, is entitled to complete one program of study
28 approved by the Board of Technical Education in any state technical college ~~upon payment~~
29 ~~of sixteen and one-half percent of the tuition charges. The remaining~~ One hundred percent
30 of tuition shall must be paid or otherwise credited by the technical college. However, the

1 state benefit is paid after applying the federal tuition benefit. The total federal and state
2 benefit may not exceed one hundred percent of the tuition cost.

3 **Section 6. That chapter 33-6 be amended with a NEW SECTION:**

4 For the purposes of this chapter, the term, federal tuition benefit, means a tuition
5 benefit provided by the United States Department of Defense, United States Department
6 of the Army, or the United States Department of the Air Force. The term, federal tuition
7 benefit, excludes any benefits or entitlements provided by the United States Department
8 of Veterans Affairs.

9 **Section 7. That chapter 33-6 be amended with a NEW SECTION:**

10 An accredited, not-for-profit institution of higher education in the state may choose
11 to provide educational benefits to members of the South Dakota National Guard.

12 If an institution decides to provide educational benefits to members of the South
13 Dakota National Guard, the institution shall agree to:

14 (1) Accept any student who meets the eligibility requirements under § 33-6-7;

15 (2) Waive any additional tuition not paid by the state under this section or by any
16 federal benefits the student receives; and

17 (3) Allow any student accepted under this section to continue at the institution with
18 the tuition waiver in place until:

19 (a) The student graduates;

20 (b) The student fails to comply with the eligibility requirements of § 33-6-7; or

21 (c) The student is no longer eligible for further benefits under this section.

22 Any member of the South Dakota National Guard is, upon compliance with the
23 requirements for admission and § 33-6-7, entitled to the highest benefit awarded under
24 § 33-6-5 or 33-6-5.1, to attend and pursue any undergraduate or graduate course or
25 courses in pursuit of a degree at any eligible institution that has decided to provide
26 educational benefits to members of the South Dakota National Guard under this section.
27 The Board of Regents shall publish the highest benefit to be awarded under § 33-6-5 or
28 33-6-5.1 by July first of each year.

29 The state benefit is paid after applying the federal tuition benefit. The total federal
30 and state benefit may not exceed one hundred percent of the tuition cost.

31 **Section 8. That § 33-6-7 be AMENDED:**

1 **33-6-7.** To be eligible for fifty percent of in-state resident tuition without cost or
2 ~~reimbursement~~ a benefit prescribed under § 33-6-5, 33-6-5.1, 33-6-6, or section 7 of this
3 Act, a national guard member shall:

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

14 **Section 9. That § 33-6-8 be AMENDED:**

15 **33-6-8.** Any person desiring to use the benefits of either § 33-6-5, 33-6-5.1, ~~or~~
16 33-6-6, or section 7 of this Act shall apply to the Department of the Military. The adjutant
17 general shall determine if that person is entitled to the benefits of §§ 33-6-5 to 33-6-8,
18 inclusive. The adjutant general may promulgate rules pursuant to chapter 1-26 to
19 accomplish the purposes of §§ 33-6-5 to 33-6-8, inclusive, and to establish the procedures
20 for determining awards, the records to be maintained and the procedure for an appeal.
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