

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0320

HOUSE ENGROSSED NO. **HB 1012** - 01/18/2013

Introduced by: The Committee on State Affairs at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the students eligible
2 for resident tuition benefits at universities controlled by the Board of Regents.

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

4 Section 1. That § 13-53-6.3 be amended to read as follows:

5 13-53-6.3. Notwithstanding any other provision of law, ~~any person who graduates from a~~
6 ~~South Dakota high school~~ qualifies the following persons qualify for resident tuition rates at the
7 institutions controlled by the Board of Regents ~~if:~~

8 (1) Any citizen or other person entitled under law to establish a residence in the United
9 States who graduates from a South Dakota high school; or

10 (2) The Any citizen or other person entitled under law to establish a residence in the
11 United States who was a South Dakota resident at the time of high school graduation
12 and lived with a parent or legal guardian who was also a South Dakota resident;

13 ~~(2) A parent or legal guardian of the individual resided continuously in South Dakota~~
14 ~~through the time of first attendance as provided in subdivision (3); and~~

15 ~~(3) The person begins to attend classes no later than the fall semester of the seventh year~~



1 ~~after the date of high school graduation.~~

2 Section 2. That § 13-53-27 be amended to read as follows:

3 13-53-27. The residence of an unemancipated person under ~~twenty-one~~ twenty-four years
4 of age follows that of the parents or of a legal guardian who has actual custody of the person or
5 administers the property of the person. In the case of divorce or separation, if either parent meets
6 the residence requirements, the person shall be considered a resident.

7 Section 3. That § 13-53-34 be amended to read as follows:

8 13-53-34. The following factors ~~shall be considered~~ are relevant in evaluating a requested
9 change in a student's nonresident status and in evaluating whether the person's physical presence
10 in South Dakota is for the predominant purpose of attending a college, university, or other
11 institution of higher education:

- 12 (1) The residence of a student's parents or guardians;
- 13 (2) The situs of the source of the student's income;
- 14 (3) To whom a student pays taxes, including property taxes;
- 15 (4) The state in which a student's automobile is registered;
- 16 (5) The state issuing the student's driver's license;
- 17 (6) Where the student is registered to vote;
- 18 (7) ~~The marriage of the student to a resident of South Dakota;~~
- 19 (8) Ownership of property in South Dakota and outside of South Dakota;
- 20 (9) The residence claimed by the student on loan application, federal income tax returns,
21 and other documents;
- 22 (10) Admission to a licensed profession in South Dakota;
- 23 (11) Membership in civic, community, and other organizations in South Dakota or
24 elsewhere; and

1 (12) The facts and documents pertaining to the person's past and existing status as a
2 student.

3 The existence of one or more of these factors does not require a finding of resident student
4 status, nor does the nonexistence of one or more require a finding of nonresident student status.

5 All factors shall be considered in combination and resident student status may not result from
6 the doing of acts which are required or routinely done by sojourners in the state or which are
7 merely auxiliary to the fulfillment of educational purposes.

8 Section 4. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 The Board of Regents shall reclassify any nonresident student to the status of resident
11 student upon timely proof of marriage of the student to a resident of South Dakota.