

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

742Z0193

## SENATE BILL NO. 103

Introduced by: Senators Nelson, Greenfield (Brock), Haverly, Jensen (Phil), Langer, Maher, Monroe, Netherton, Otten (Ernie), Russell, Stalzer, Tapio, and Youngberg and Representatives Gosch, Beal, Brunner, Campbell, Clark, DiSanto, Frye-Mueller, Goodwin, Howard, Karr, Latterell, Livermont, Marty, May, Peterson (Sue), Pischke, Rhoden, Schoenfish, and Zikmund

1 FOR AN ACT ENTITLED, An Act to prohibit aliens who are not lawfully present in the United  
2 States from attending any public postsecondary educational institution or from receiving  
3 certain educational financial assistance.

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

5 Section 1. That chapter 13-53 be amended by adding a NEW SECTION to read:

6 An alien who is not lawfully present in the United States may not be permitted to enroll in  
7 or attend any public postsecondary educational institution in this state. An alien who is not  
8 lawfully present in the United States is not eligible for any public postsecondary educational  
9 scholarship, grant, resident tuition, or other financial aid. The Board of Regents shall develop  
10 and institute a process by which each public postsecondary educational institution in the state  
11 shall verify with the federal government pursuant to 8 U.S.C. § 1373(c) an alien's lawful  
12 presence in the United States for purposes of this section.

13 Section 2. That § 13-53-38 be amended to read:



1        13-53-38. The Board of Regents may classify a student who does not meet the requirements  
2 of §§ 13-53-23 to 13-53-41, inclusive, as a resident student, if the student's situation presents  
3 unusual circumstances and the student's classification is within the general scope of §§ 13-53-23  
4 to 13-53-41, inclusive. The provisions of this section do not permit the Board of Regents to  
5 classify as a resident student any person who is not permitted under section 1 of this Act to  
6 enroll in or attend any postsecondary educational institution in this state. The decision of the  
7 board shall be final.