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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **875**

02/25/2013 Authored by Mariani, Simonson, Clark, Abeler, Johnson, S., and others  
The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act  
1.2 relating to higher education; providing for the treatment of unlawful immigrants  
1.3 with respect to financial aid and tuition at public postsecondary institutions;  
1.4 amending Minnesota Statutes 2012, section 136A.101, subdivision 8; proposing  
1.5 coding for new law in Minnesota Statutes, chapter 135A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[135A.043] RESIDENT TUITION.**

1.8 (a) A student, other than a nonimmigrant alien within the meaning of United States  
1.9 Code, title 8, section 1101, subsection (a), paragraph (15), shall qualify for a resident  
1.10 tuition rate or its equivalent at state universities and colleges, including the University of  
1.11 Minnesota, if the student meets all of the following requirements:

1.12 (1) high school attendance within the state for three or more years;

1.13 (2) graduation from a state high school or attainment within the state of the  
1.14 equivalent of high school graduation; and

1.15 (3) in the case of a student without lawful immigration status, the filing of an  
1.16 affidavit with the institution of higher education stating that the student has filed an  
1.17 application to legalize the student's immigration status or will file an application at the  
1.18 earliest opportunity the student is eligible to do so.

1.19 (b) This section is in addition to any other statute, rule, or higher education  
1.20 institution regulation or policy providing eligibility for a resident tuition rate or its  
1.21 equivalent to a student.

1.22 **EFFECTIVE DATE.** This section is effective the day following final enactment  
1.23 and applies to tuition for school terms commencing on or after that date.

2.1 Sec. 2. **[135A.044] PRIVATE SCHOLARSHIP AID.**

2.2 A public postsecondary institution may use private sources of funding to provide aid  
 2.3 to a student eligible for resident tuition under section 135A.043. This section is in addition  
 2.4 to any other authority of an institution to provide financial aid.

2.5 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 2.6 and applies to financial aid for school terms commencing on or after that date.

2.7 Sec. 3. Minnesota Statutes 2012, section 136A.101, subdivision 8, is amended to read:

2.8 Subd. 8. **Resident student.** "Resident student" means a student who meets one of  
 2.9 the following conditions:

2.10 (1) a student who has resided in Minnesota for purposes other than postsecondary  
 2.11 education for at least 12 months without being enrolled at a postsecondary educational  
 2.12 institution for more than five credits in any term;

2.13 (2) a dependent student whose parent or legal guardian resides in Minnesota at the  
 2.14 time the student applies;

2.15 (3) a student who graduated from a Minnesota high school, if the student was a  
 2.16 resident of Minnesota during the student's period of attendance at the Minnesota high school  
 2.17 and the student is physically attending a Minnesota postsecondary educational institution;

2.18 (4) a student who, after residing in the state for a minimum of one year, earned a  
 2.19 high school equivalency certificate in Minnesota;

2.20 (5) a member, spouse, or dependent of a member of the armed forces of the United  
 2.21 States stationed in Minnesota on active federal military service as defined in section  
 2.22 190.05, subdivision 5c;

2.23 (6) a spouse or dependent of a veteran, as defined in section 197.447, if the veteran  
 2.24 is a Minnesota resident;

2.25 (7) a person or spouse of a person who relocated to Minnesota from an area that  
 2.26 is declared a presidential disaster area within the preceding 12 months if the disaster  
 2.27 interrupted the person's postsecondary education; ~~or~~

2.28 (8) a person defined as a refugee under United States Code, title 8, section  
 2.29 1101(a)(42), who, upon arrival in the United States, moved to Minnesota and has  
 2.30 continued to reside in Minnesota; or

2.31 (9) a student eligible for resident tuition under section 135A.043.

2.32 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 2.33 and applies to school terms commencing on or after that date.