

A bill for an act
relating to higher education; providing for resident tuition at public postsecondary
institutions; amending Minnesota Statutes 2006, section 136A.08, subdivisions
2, 6; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

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

(a) A student shall qualify for a resident tuition rate or its equivalent at state
universities and colleges, including the University of Minnesota, if the student meets
all of the following requirements:

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

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

(3) registration as an entering student at, or current enrollment in, a public institution
of higher education; and

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

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

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

2.1 Sec. 2. Minnesota Statutes 2006, section 136A.08, subdivision 2, is amended to read:

2.2 Subd. 2. **Authorization.** The Minnesota Office of Higher Education, in consultation
2.3 with the commissioner of finance and each affected public postsecondary board, may enter
2.4 into agreements, on subjects that include remission of nonresident tuition for designated
2.5 categories of students at public postsecondary institutions, with appropriate state or
2.6 provincial agencies and public postsecondary institutions in other states or provinces. The
2.7 agreements shall be for the purpose of the mutual improvement of educational advantages
2.8 for residents of this state and other states or provinces with whom agreements are made.
2.9 The office must negotiate agreements under this section to require students who attend a
2.10 Minnesota institution through a reciprocity agreement to pay tuition that is at least equal
2.11 to the tuition rate charged to a Minnesota student attending the same institution paying
2.12 the resident tuition rate.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment for
2.14 agreements covering enrollment beginning with the fall term of 2007.

2.15 Sec. 3. Minnesota Statutes 2006, section 136A.08, subdivision 6, is amended to read:

2.16 Subd. 6. **Approval; tuition rates.** (a) An agreement made by the office under this
2.17 section is not valid as to a particular institution without the approval of that institution's
2.18 state or provincial governing board. A valid agreement under this subdivision that incurs
2.19 additional financial liability to the state or to any of the Minnesota public postsecondary
2.20 boards, beyond enrollment funding adjustments, must be submitted to the commissioner
2.21 of finance and to the chairs of the higher education finance divisions of the senate and
2.22 house for review. The agreement remains valid unless it is disapproved in law.

2.23 (b) No agreement approved under this section is valid unless it requires students
2.24 attending Minnesota institutions under a reciprocity agreement to pay tuition at or above
2.25 the resident tuition rate for Minnesota students.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment for
2.27 agreements covering enrollment beginning with the fall term of 2007.