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# State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **456**

01/28/2021

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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; modifying certain provisions for resident tuition and  
1.3 state student aid; amending Minnesota Statutes 2020, sections 135A.043; 136A.101,  
1.4 subdivision 8.

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

1.6 Section 1. Minnesota Statutes 2020, section 135A.043, is amended to read:

1.7 **135A.043 RESIDENT TUITION.**

1.8 (a) A student, other than a ~~nonimmigrant~~ an alien within the meaning of United States  
1.9 Code, title 8, section 1101, subsection (a), paragraph ~~(15)~~ (3), who does not have a legal  
1.10 right or authorization under federal law to work in the United States as described in United  
1.11 States Code, title 8, section 1324a, subsection (h), paragraph (3), shall qualify for a resident  
1.12 tuition rate or its equivalent at state universities and colleges if the student meets all of the  
1.13 following requirements:

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

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

1.17 ~~(3) in the case of a student without lawful immigration status: (i) documentation that~~  
1.18 ~~the student has complied with selective service registration requirements; and (ii) if a federal~~  
1.19 ~~process exists for the student to obtain lawful immigration status, the student must present~~  
1.20 ~~the higher education institution with documentation from federal immigration authorities~~  
1.21 ~~that the student has filed an application to obtain lawful immigration status.~~

(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.

(c) The Board of Regents of the University of Minnesota is requested to adopt a policy implementing this section.

Sec. 2. Minnesota Statutes 2020, section 136A.101, subdivision 8, is amended to read:

Subd. 8. **Resident student.** "Resident student" means a student, other than an alien within the meaning of United States Code, title 8, section 1101, subsection (a), paragraph (3), who does not have a legal right or authorization under federal law to work in the United States as described in United States Code, title 8, section 1324a, subsection (h), paragraph (3), who meets one of the following conditions:

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

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

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

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

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

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

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

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

- 3.1 (9) a student eligible for resident tuition under section 135A.043; or
- 3.2 (10) an active member, or a spouse or dependent of that member, of the state's National
- 3.3 Guard who resides in Minnesota or an active member, or a spouse or dependent of that
- 3.4 member, of the reserve component of the United States armed forces whose duty station is
- 3.5 located in Minnesota and who resides in Minnesota.