A bill for an act
relating to higher education; modifying certain provisions for resident tuition and
state student aid; amending Minnesota Statutes 2022, sections 135A.043; 136A.101,
subdivision 8.

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

Section 1. Minnesota Statutes 2022, section 135A.043, is amended to read:

135A.043 RESIDENT TUITION.

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

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

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

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

Section 1.
(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 2022, 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;
(9) a student eligible for resident tuition under section 135A.043; or

(10) an active member, or a spouse or dependent of that member, of the state's National Guard who resides in Minnesota or an active member, or a spouse or dependent of that member, of the reserve component of the United States armed forces whose duty station is located in Minnesota and who resides in Minnesota.