

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 657

Introduced by Janssen, 15; Karpisek, 32.

Read first time January 19, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend section
2 85-502, Reissue Revised Statutes of Nebraska; to change
3 and eliminate student residency provisions; to provide
4 for applicability and intent; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-502, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 85-502 Rules and regulations established by the governing
4 board of each state postsecondary educational institution shall
5 require as a minimum that a person is not deemed to have established
6 a residence in this state, for purposes of sections 85-501 to 85-504,
7 unless such person is lawfully present in the United States and:

8 (1) Such person is of legal age or is an emancipated
9 minor and has established a home in Nebraska where he or she is
10 habitually present for a minimum period of one hundred eighty days,
11 with the bona fide intention of making this state his or her
12 permanent residence, supported by documentary proof;

13 (2) The parents, parent, or guardian having custody of a
14 minor registering in the educational institution have established a
15 home in Nebraska where such parents, parent, or guardian are or is
16 habitually present with the bona fide intention to make this state
17 their, his, or her permanent residence, supported by documentary
18 proof. If a student has matriculated in any state postsecondary
19 educational institution while his or her parents, parent, or guardian
20 had an established home in this state, and the parents, parent, or
21 guardian ceases to reside in the state, such student shall not
22 thereby lose his or her resident status if such student has the bona
23 fide intention to make this state his or her permanent residence,
24 supported by documentary proof;

25 (3) Such student is of legal age and is a dependent for

1 federal income tax purposes of a parent or former guardian who has
2 established a home in Nebraska where he or she is habitually present
3 with the bona fide intention of making this state his or her
4 permanent residence, supported by documentary proof;

5 (4) Such student is a nonresident of this state prior to
6 marriage and marries a person who has established a home in Nebraska
7 where he or she is habitually present with the bona fide intention of
8 making this state his or her permanent residence, supported by
9 documentary proof;

10 (5) ~~Except as provided in subdivision (8) of this~~
11 ~~section, such~~ Such student, if an alien, ~~has applied to or has a~~
12 ~~petition pending with the United States Immigration and~~
13 ~~Naturalization Service to attain lawful status under federal~~
14 ~~immigration law and~~ has established a home in Nebraska for a period
15 of at least one hundred eighty days where he or she is habitually
16 present with the bona fide intention to make this state his or her
17 permanent residence, supported by documentary proof;

18 (6) Such student is a staff member or a dependent of a
19 staff member of the University of Nebraska, one of the Nebraska state
20 colleges, or one of the community college areas who joins the staff
21 immediately prior to the beginning of a term from an out-of-state
22 location; or

23 (7) Such student is on active duty with the armed
24 services of the United States and has been assigned a permanent duty
25 station in Nebraska, or is a legal dependent of a person on active

1 duty with the armed services of the United States assigned a
2 permanent duty station in Nebraska. ~~;~~ or

3 ~~(8)(a) Such student resided with his or her parent,~~
4 ~~guardian, or conservator while attending a public or private high~~
5 ~~school in this state and:~~

6 ~~(i) Graduated from a public or private high school in~~
7 ~~this state or received the equivalent of a high school diploma in~~
8 ~~this state;~~

9 ~~(ii) Resided in this state for at least three years~~
10 ~~before the date the student graduated from the high school or~~
11 ~~received the equivalent of a high school diploma;~~

12 ~~(iii) Registered as an entering student in a state~~
13 ~~postsecondary educational institution not earlier than the 2006 fall~~
14 ~~semester; and~~

15 ~~(iv) Provided to the state postsecondary educational~~
16 ~~institution an affidavit stating that he or she will file an~~
17 ~~application to become a permanent resident at the earliest~~
18 ~~opportunity he or she is eligible to do so.~~

19 ~~(b) If the parent, guardian, or conservator with whom the~~
20 ~~student resided ceases to reside in the state, such student shall not~~
21 ~~lose his or her resident status under this subdivision if the student~~
22 ~~has the bona fide intention to make this state his or her permanent~~
23 ~~residence, supported by documentary proof.~~

24 The changes made to this section by this legislative bill
25 shall not apply to any student in Nebraska on and after the effective

1 or operative date of any federal legislation which preempts such
2 changes. It is the intent of the Legislature that if the federal
3 government changes alien benefit requirements, this state will adopt
4 postsecondary educational institution student residency requirements
5 consistent with federal law.

6 Sec. 2. Original section 85-502, Reissue Revised Statutes
7 of Nebraska, is repealed.