

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB657**

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**Hearing Date:** Monday February 07, 2011  
**Committee On:** Education  
**Introducer:** Janssen  
**One Liner:** Change and eliminate postsecondary education student residency provisions

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	6	Senators Howard, Adams, Avery, Cornett, Council, Haar
<b>Nay:</b>	1	Senator Schilz
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Sullivan

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**Proponents:**

Senator Charlie Janssen  
Susan Smith  
John Wiegert  
Dale Monsell  
Jerry Hart  
Mike Barges

**Representing:**

Introducer  
Nebraskans Advisory Group  
Self  
Nebraska Tax Payers for Freedom  
Self  
Self

**Opponents:**

DiAnna Schimek  
Howard Dotson  
  
Ron Withem  
Marshall Hill  
  
Shirley Mora James  
Brian Halstead  
  
Miguel Carranza  
Lane Carr  
  
Jim Cunningham  
Jared Dailey  
Erika Scholz  
Bob Quasius  
Lela Shanks  
Jay Sears  
Chuck Bentjen

**Representing:**

Self  
Missouri River Valley Presbytery Social Justice Committee  
University of Nebraska - President Milliken  
Nebraska Coordinating Commission for Postsecondary Education  
Nebraska Hispanic Bar Association  
Nebraska State Board of Education / Nebraska Department of Education  
Self & Parents  
ASUN Student Government, University of Nebraska Lincoln  
Nebraska Catholic Conference  
Mexican - American Student Association  
Mexican - American Student Association  
Somos Republicans  
Self  
Nebraska State Education Association  
Manna & Mercy Center for Faith in Public Life

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

Legislative Bill 657 would amend section 85-502 by requiring that a student be lawfully present in the United States in order to be deemed to have established a residence in Nebraska for the purpose of determining if nonresident fees would apply when attending a state postsecondary educational institution.

Provisions would be removed that currently allow residency if:

1. There is an application or petition pending with the U.S. Immigration and Naturalization Service to attain lawful status;  
or
2. The student graduated from a Nebraska high school, resided in the state for at least 3 years prior to graduation, and signed an affidavit that an application for permanent residency would be filed at the earliest opportunity the student is eligible to do so.

The changes also would not apply upon the effective date of any federal legislation which preempts the changes. An intent is stated for the Legislature to adopt residency requirements consistent with any federal government changes in alien benefit requirements.

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Greg Adams, Chairperson