

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 396

Introduced by Morfeld, 46.

Read first time January 13, 2017

Committee: Education

- 1 A BILL FOR AN ACT relating to universities and colleges; to amend section
- 2 85-502, Revised Statutes Cumulative Supplement, 2016; to change
- 3 provisions relating to determination of residency; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-502, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

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

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

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

23 (3) Such student is of legal age and is a dependent for federal
24 income tax purposes of a parent or former guardian who has established a
25 home in Nebraska where he or she is habitually present with the bona fide
26 intention of making this state his or her permanent residence, supported
27 by documentary proof;

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

1 (5) Except as provided in subdivision (9) of this section, such
2 student, if an alien, has applied to or has a petition pending with the
3 United States Immigration and Naturalization Service to attain lawful
4 status under federal immigration law and has established a home in
5 Nebraska for a period of at least one hundred eighty days where he or she
6 is habitually present with the bona fide intention to make this state his
7 or her permanent residence, supported by documentary proof;

8 (6) Such student is a staff member or a dependent of a staff member
9 of the University of Nebraska, one of the Nebraska state colleges, or one
10 of the community college areas who joins the staff immediately prior to
11 the beginning of a term from an out-of-state location;

12 (7) Such student is on active duty with the armed services of the
13 United States and has been assigned a permanent duty station in Nebraska,
14 or is a legal dependent of a person on active duty with the armed
15 services of the United States assigned a permanent duty station in
16 Nebraska;

17 (8) Such student is currently serving in the Nebraska National
18 Guard;~~or~~

19 (9)(a) Such student resided with his or her parent, guardian, or
20 conservator while attending a public or private high school in this state
21 and:

22 (i) Graduated from a public or private high school in this state or
23 received the equivalent of a high school diploma in this state;

24 (ii) Resided in this state for at least three years before the date
25 the student graduated from the high school or received the equivalent of
26 a high school diploma;

27 (iii) Registered as an entering student in a state postsecondary
28 educational institution not earlier than the 2006 fall semester; and

29 (iv) Provided to the state postsecondary educational institution an
30 affidavit stating that he or she will file an application to become a
31 permanent resident at the earliest opportunity he or she is eligible to

1 do so.

2 (b) If the parent, guardian, or conservator with whom the student
3 resided ceases to reside in the state, such student shall not lose his or
4 her resident status under this subdivision if the student has the bona
5 fide intention to make this state his or her permanent residence,
6 supported by documentary proof; or -

7 (10) Such student has received any of an associate, a bachelor's, a
8 master's, or a doctoral degree or the equivalent from an accredited
9 college or university in the State of Nebraska.

10 Sec. 2. Original section 85-502, Revised Statutes Cumulative
11 Supplement, 2016, is repealed.