

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 197**

Introduced by Vargas, 7; Blood, 3; Dorn, 30; Hunt, 8; Lathrop, 12;  
Morfeld, 46.

Read first time January 08, 2021

Committee: Education

1 A BILL FOR AN ACT relating to postsecondary education; to amend section  
2 85-502, Revised Statutes Cumulative Supplement, 2020; to change  
3 residency requirements for participants in the National and  
4 Community Service State Grant Program as prescribed; and to repeal  
5 the original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-502, Revised Statutes Cumulative Supplement,  
2 2020, 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)(a) 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

15           (b) Such student is a spouse or legal dependent of a person who was  
16 on active duty with the armed services of the United States assigned to a  
17 permanent duty station in Nebraska at the time such student was accepted  
18 for admission to the state postsecondary educational institution and such  
19 student remains continually enrolled at such state postsecondary  
20 educational institution;

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

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

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

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

31           (iii) Registered as an entering student in a state postsecondary

1 educational institution not earlier than the 2006 fall semester; and

2 (iv) Provided to the state postsecondary educational institution an  
3 affidavit stating that he or she will file an application to become a  
4 permanent resident at the earliest opportunity he or she is eligible to  
5 do so.

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

11 (10) Such student completed a full term of service of at least one  
12 year in Nebraska as a participant in the National and Community Service  
13 State Grant Program, also known as AmeriCorps, pursuant to 42 U.S.C.  
14 12501 et seq., as such sections existed on January 1, 2021.

15 Sec. 2. Original section 85-502, Revised Statutes Cumulative  
16 Supplement, 2020, is repealed.