



Ninety-Seventh Legislature - Second Session - 2002
Committee Statement
LB 955

corrected 5/21

Hearing Date: January 22, 2002
Committee On: Education

Introducer(s): (Schimek, Aguilar, Beutler, Byars, Connealy, Cudaback, Kruse, Landis, Dw. Pedersen, Preister, Robak, Smith, Synowiecki)
Title: Change resident postsecondary tuition provisions

Roll Call Vote – Final Committee Action:

- Advanced to General File
- Advanced to General File with Amendments
- X Indefinitely Postponed

Vote Results:

6	Yes	Senators Wickersham, Price, Suttle, Raikes, Stuhr, Coordsen
1	No	Senator Maxwell
	Present, not voting	
1	Absent	Senator Brashear

Proponents:

Senator DiAnna Schimek
Milo Mumgard
Ricardo Ariza
Cecilia Olivarez Huerta
Adam Valencia
Derek Hodgson
J. L. Cuevas
Roberto Munguia

Representing:

Introducer
Nebraska Appleseed
Self/Mexican American Commission
Mexican American Commission
Wayne State College
University of Nebraska/Omaha
Mexican Consulate
Mexican American Commission

Opponents:

D'Anne Welch

Representing:

Self

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 955 would amend the provisions of § 85-502, which set the minimum requirements for residency for postsecondary educational institutions in Nebraska. Each institution is allowed to establish their own residency requirements beyond these minimum requirements.

The conditions for an alien who has established a home in Nebraska would be modified. The current requirement is that the alien have a bona fide intention to become a permanent resident alien of the United States. The new language would require the alien to have applied to or have a petition pending with the Immigration and Naturalization Service to attain lawful status under federal immigration law. This change would have the effect of clarifying what is required to show a bona fide intention, but also of allowing a broader range of intents.

The provisions declaring students who graduated from a high school of this state as residents would be narrowed to include only those students who:

1. Resided with a parent, guardian, or conservator while attending school in Nebraska;
2. Graduated from a public or private high school or received the equivalent of a high school diploma (G.E.D.) in Nebraska;
3. Resided in Nebraska for at least 3 years prior to graduation or receiving a G.E.D.;
4. Registers as an entering student in a postsecondary education institution not earlier than the 2002 fall semester; and
5. Provides an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.

Students who received a G.E.D. in Nebraska are not currently covered by the provisions that would be modified. New language would state that if the parents, parent, or guardian with whom the student resided ceases to reside in the state, such student would not lose his or her resident status if the student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof. This addition would be consistent with a current provision which attributes residency to the student based upon a parent's residency.

The provision would be eliminated that declares residency for students who have been previously registered in a state educational institution at a time when he or she was a resident.

Language and grammar would also be updated throughout the section to align with current bill drafting standards. Language would be modified to clarify that this section applies only to postsecondary educational institutions.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson