

LEGISLATIVE BILL 239

Passed over the Governor's veto April 13, 2006.

Introduced by Schimek, 27; Aguilar, 35; Combs, 32; Kruse, 13; Preister, 5; Synowiecki, 7; Dw. Pedersen, 39

AN ACT relating to postsecondary educational institutions; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to determination of residency; to harmonize provisions; and to repeal the original section.

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

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

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

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

(2) The parents, parent, or guardian having custody of a minor registering in the educational institution ~~shall have~~ established a home in Nebraska where such parents, parent, or guardian are or is habitually present with the bona fide intention ~~of such parents, parent, or guardian~~ to make this state their, his, or her permanent residence, supported by documentary proof. If a student + PROVIDED, that if a person has matriculated in any state postsecondary educational institution while his or her parents, parent, or guardian had an established home in this state, and the parents, parent, or guardian leave ceases to reside in the state, such person student shall not thereby lose his or her resident status by reason of such parents, parent, or guardian having ceased to reside in this state if such person student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof;

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

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

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

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

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

~~(8) Such person is a graduate of a high school of this state or has been previously registered in a state educational institution at a time when he or she was a resident of this state.~~

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

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

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

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

(iv) Provided to the state postsecondary educational institution 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.

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

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