

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 239**

FINAL READING

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

Read first time January 10, 2005

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary educational institutions;  
2 to amend section 85-502, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to determination  
4 of residency; to harmonize provisions; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

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

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

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

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

1 the bona fide intention to make this state his or her permanent  
2 residence, supported by documentary proof;

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

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

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

23 (6) Such ~~person~~ student is a staff member or a dependent  
24 of a staff member of the University of Nebraska, one of the  
25 Nebraska state colleges, or one of the community college areas who

1 joins the staff immediately prior to the beginning of a term from  
2 an out-of-state location;

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

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

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

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

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

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

23 (iv) Provided to the state postsecondary educational  
24 institution an affidavit stating that he or she will file  
25 an application to become a permanent resident at the earliest

1 opportunity he or she is eligible to do so.

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

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