

AMENDMENTS TO LB 1021

(Amendments to Standing Committee amendments, AM1969)

Introduced by Lautenbaugh, 18.

1 1. Insert the following new sections:

2 Sec. 17. Section 85-502, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 85-502 Rules and regulations established by the governing
5 board of each state postsecondary educational institution shall
6 require as a minimum that a person is not deemed to have
7 established a residence in this state, for purposes of sections
8 85-501 to 85-504, unless such person is lawfully present in the
9 United States and:

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

15 (2) The parents, parent, or guardian having custody of a
16 minor registering in the educational institution have established
17 a home in Nebraska where such parents, parent, or guardian are
18 or is habitually present with the bona fide intention to make
19 this state their, his, or her permanent residence, supported by
20 documentary proof. If a student has matriculated in any state
21 postsecondary educational institution while his or her parents,
22 parent, or guardian had an established home in this state, and the

1 parents, parent, or guardian ceases to reside in the state, such
2 student shall not thereby lose his or her resident status if such
3 student has the bona fide intention to make this state his or her
4 permanent residence, supported by documentary proof;

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

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

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

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

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

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

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

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

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

18 ~~(iv) Provided to the state postsecondary educational~~
19 ~~institution an affidavit stating that he or she will file~~
20 ~~an application to become a permanent resident at the earliest~~
21 ~~opportunity he or she is eligible to do so.~~

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

27 The changes made to this section by this legislative bill

1 shall not apply to any student enrolled in a state postsecondary
2 educational institution on September 1, 2010, or to any student
3 enrolled in grade twelve in a high school in Nebraska on September
4 1, 2010.

5 The changes made to this section by this legislative
6 bill shall not apply to any student in Nebraska on and after
7 the effective or operative date of any federal legislation which
8 preempts such changes.

9 Sec. 18. Original section 85-502, Reissue Revised
10 Statutes of Nebraska, is repealed.