

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 399

Introduced by Lautenbaugh, 18.

Read first time January 16, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to the Nebraska Scholarship Act; to
2 amend sections 85-502, 85-1903, 85-1906, 85-1907, and
3 85-1909, Reissue Revised Statutes of Nebraska; to change
4 provisions relating to residency; to redefine terms; and
5 to repeal the original sections.
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 (1) Rules and regulations established by the
4 governing board of each state postsecondary educational institution
5 shall require as a minimum that a person is not deemed to have
6 established a residence in this state, for purposes of sections
7 85-501 to 85-504, unless:

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

13 ~~(2)~~ (b) The parents, parent, or guardian having custody
14 of a minor registering in the educational institution 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 to make this state their, his, or her permanent residence,
18 supported by documentary proof. If a student has matriculated
19 in any state postsecondary educational institution while his or her
20 parents, parent, or guardian had an established home in this state,
21 and the parents, parent, or guardian ceases to reside in the state,
22 such student shall not thereby lose his or her resident status if
23 such student has the bona fide intention to make this state his or
24 her permanent residence, supported by documentary proof;

25 ~~(3)~~ (c) Such student is of legal age and is a dependent

1 for federal income tax purposes of a parent or former guardian who
2 has established a home in Nebraska where he or she is habitually
3 present with the bona fide intention of making this state his or
4 her permanent residence, supported by documentary proof;

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

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

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

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

1 active duty with the armed services of the United States assigned a
2 permanent duty station in Nebraska; or

3 ~~(g)(a)~~ (h)(i) Such student resided with his or her
4 parent, guardian, or conservator while attending a public or
5 private high school in this state and:

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

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

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

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

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

25 (2) For purposes of section 85-1907, a student attending

1 a nonprofit nonpublic postsecondary educational institution shall
2 be deemed a resident of Nebraska if he or she demonstrates an
3 intention to remain in the state after completion of his or her
4 program of study. The Coordinating Commission for Postsecondary
5 Education shall prescribe the form to be used to demonstrate such
6 intent.

7 Sec. 2. Section 85-1903, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 85-1903 Award means a grant of money by the commission
10 to an eligible student for educational expenses. Awards shall not
11 exceed:

12 (1) For the ~~2007-08~~ 2008-09 award year, ~~fifty~~ twenty-five
13 percent of the tuition and mandatory fees for a full-time,
14 resident, undergraduate student for the last completed award year
15 at the University of Nebraska-Lincoln; and

16 (2) For the ~~2008-09~~ 2009-10 award year and each
17 award year thereafter, ~~twenty-five~~ fifty percent of the tuition
18 and mandatory fees for a full-time, resident, undergraduate
19 student for the last completed award year at the University of
20 Nebraska-Lincoln.

21 Sec. 3. Section 85-1906, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 85-1906 Eligible postsecondary educational institution
24 means a public or private postsecondary educational institution:

25 (1) Located in Nebraska;

1 (2) Primarily engaged in the instruction of students;

2 (3) Satisfying the provisions of Nebraska law relating to
3 the approval and licensure of schools, colleges, and universities
4 and maintaining accreditation by an accrediting organization
5 recognized by the United States Department of Education;

6 (4) Offering courses of instruction in regularly
7 scheduled classes to regularly enrolled undergraduate students who
8 reside in Nebraska and have received high school diplomas or their
9 equivalent; ~~and~~

10 (5) Which has adopted, and has available for inspection,
11 award refund and repayment policies; ~~and-~~

12 (6) Which has provided institutional aid, either by
13 funded or unfunded discounts from posted tuition, in an amount
14 equal to or greater than the cumulative amount of grants received
15 pursuant to the Nebraska Scholarship Act in the most recently
16 completed fiscal year. For purposes of this subdivision, grants
17 from federal Title IV programs shall not be considered to be
18 institutional aid.

19 Sec. 4. Section 85-1907, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 85-1907 Eligible student means an undergraduate student
22 who:

23 (1) Is enrolled in an eligible postsecondary educational
24 institution;

25 (2) Is eligible to receive a ~~Federal Pell Grant from the~~

1 United States Department of Education Title IV student financial
2 assistance;

3 (3) Is a resident student who is domiciled in Nebraska as
4 provided by section 85-502; and

5 (4) Complies with all other provisions of the Nebraska
6 Scholarship Act and its rules and regulations.

7 Sec. 5. Section 85-1909, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 85-1909 Tuition and mandatory fees means:

10 ~~(1) For students who received an award from the~~
11 ~~Postsecondary Education Award Program Act, the Scholarship~~
12 ~~Assistance Program Act, or the State Scholarship Award Program~~
13 ~~Act for the 2002-03 award year, the student costs for tuition and~~
14 ~~mandatory fees for a full-time, resident, undergraduate student~~
15 ~~for the last completed award year at the eligible postsecondary~~
16 ~~educational institution; or~~

17 ~~(2) For students who did not receive an award from~~
18 ~~the Postsecondary Education Award Program Act, the Scholarship~~
19 ~~Assistance Program Act, or the State Scholarship Award Program Act~~
20 ~~for the 2002-03 award year, the lesser of the student costs for~~
21 ~~tuition and mandatory fees for a full-time, resident, undergraduate~~
22 ~~student for the last completed award year at the eligible~~
23 ~~postsecondary educational institution or the student costs for~~
24 ~~tuition and mandatory fees for a full-time, resident, undergraduate~~
25 ~~student for the last completed award year at the University of~~

1 ~~Nebraska-Lincoln.~~

2 (1) For students attending a public postsecondary
3 educational institution, the lesser of student costs for tuition
4 and mandatory fees for a full-time, resident, undergraduate
5 student for the last completed award year at the eligible
6 postsecondary educational institution or the student costs for
7 tuition and mandatory fees for a full-time, resident, undergraduate
8 student for the last completed award year at the University of
9 Nebraska-Lincoln; or

10 (2) For students attending a nonpublic postsecondary
11 educational institution, the lesser of student costs for tuition
12 and mandatory fees for a full-time, resident, undergraduate student
13 for the last completed award year at the eligible postsecondary
14 educational institution or the student federal Pell Grant cost
15 of attendance for dependent students, not to exceed the student
16 costs for tuition and mandatory fees for a full-time, resident,
17 undergraduate student for the last completed award year at the
18 University of Nebraska-Lincoln plus the amount of the lowest
19 average taxpayer subsidy for an undergraduate student at a
20 four-year public college or university in Nebraska, as calculated
21 annually by the commission based on the last completed fiscal year.

22 Sec. 6. Original sections 85-502, 85-1903, 85-1906,
23 85-1907, and 85-1909, Reissue Revised Statutes of Nebraska, are
24 repealed.