

LEGISLATIVE BILL 408

Approved by the Governor May 22, 1971

Introduced by Richard F. Proud, 12th District

AN ACT to amend section 85-502, Reissue Revised Statutes of Nebraska, 1943, relating to state educational institutions; to change conditions for a student to be considered domiciled in this state; to provide an operative date; and to repeal the original section.

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

Section 1. That section 85-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-502. A person shall not be deemed to have established a domicile in this state, for the purpose of sections 85-501 to 85-504, unless:

(1) Such person is of legal age and shall have ~~actually-resided-in-this--state--continuously--for--four months established a home in Nebraska where he is habitually present,~~ with the intention of making this state his ~~or-her~~ permanent residence;

(2) The parents, parent, or guardian having custody of a minor registering in a state educational institution shall have ~~actually-resided--in--this--state continuously-for-four-months-with-the-intention-of--such parents; parent;--or--guardian~~ established a home in Nebraska where such parents, parent, or guardian is habitually present with the intention of such parents, parent, or guardian to make this state their, his, or her permanent residence; Provided, that if a person has matriculated in a state educational institution while his parents had an established domicile in this state, and the parents leave the state, such person shall not lose his domiciliary status by reason of such parents, parent, or guardian having ceased to reside in this state if such person has the intention to make this state their, his, or-her permanent residence;

(3) An emancipated minor, who shall have ~~actually-resided-in-this--state--continuously--for--four months established a home in Nebraska where he is habitually present~~ with the intention of making this state his ~~or-her~~ permanent residence, and shall not have

lived with nor been supported by his ~~or-her~~ parents, or either of them, for two years or more prior to such registration;

(4) Such person is a ~~woman-and-a~~ nonresident of this state prior to her marriage, and marries a man person who has ~~actually---resided---in---this---state~~ continuously-for-four-months-and established a home in Nebraska where he is habitually present with the intention of her ~~husband-is-to-make~~ making this state his permanent residence;

(5) Such person, if an alien, shall have begun processing his ~~or-her-first~~ United States naturalization papers, and shall have ~~actually-resided-in-this-state~~ continuously-for-four-months established a home in Nebraska where he is habitually present with the intention to make this state his ~~or--her~~ permanent residence;

~~{6} Such person who has attained a degree from the University of Nebraska or one of the Nebraska state colleges while under a residence status, but who after graduation loses his residence status, may return to the University of Nebraska or one of the Nebraska state colleges for the purpose of taking graduate work or for the purpose of matriculating in one of the professional colleges and in such regard may be permitted to reestablish a residence in Nebraska during the period of study at the school if the requisite intention to make this state his permanent residence in fact exists; or~~

~~{7} {6} Such person is a dependent of a staff member of the University of Nebraska or one of the Nebraska state colleges who joins the staff immediately prior to the beginning of a term from an out-of-state location; or =~~

~~No person shall be deemed to have established a residence in this state during the time of attendance at such state institution as a student, nor while in attendance at any institution of learning in this state, except in the case of a minor who qualifies as provided in this section.~~

(7) Such person 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.

Sec. 2. No person shall be deemed to have established a home in Nebraska where he is habitually present unless he shall execute an Affidavit of Intent that the State of Nebraska is his permanent residence and has been his permanent residence for one year immediately prior to the execution of the Affidavit of Intent, and he shall:

(1) Have been registered to and be eligible for voting in Nebraska state elections;

(2) Have continually for one year immediately prior to the beginning of the semester or summer session for which the student is enrolling;

(a) Paid applicable Nebraska sales and Nebraska income tax as a Nebraska resident; and

(b) Registered and had assessed for applicable taxation in Nebraska, all personal property requiring registration, as may be owned by such person; or

(3) Own a home in Nebraska in which such person is residing, or have executed a contract to purchase and be making payments on a home in Nebraska in which such person is residing.

Sec. 3. The provisions of this act shall apply to enrollment of students after August 31, 1972.

Sec. 4. That original section 85-502, Reissue Revised Statutes of Nebraska, 1943, is repealed.