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# Residents' requirements vary

By Janet Lliteras

What does it take to be a Nebraska resident?

Debra Hoy, a first-year law student at the NU Law College, said she has lived in Nebraska all her life, but because she left the state for 11 months she must pay non-resident tuition.

Hoy, 24, charges that the state statutes establishing residency requirements is unconstitutional and is suing the NU Board of Regents for the \$1 200 tuition difference, plus 6 per cent interest.

"The statute can't be enforced evenly," Hoy said. "It's impossible for the university to check out and confirm each person." She said she knows of non-resident law students who pay resident tuition rates.

The present statute, passed in 1973, requires all non-residents to pay non-resident tuition.

According to John Gourlay, general counsel for NU, residency is determined by the student's relation to another person, such as parents.

### Resident parents

Students are entitled to resident rates because their parents are residents, Gourlay explained.

As the law now stands, he explained, if a family moves to Nebraska with an 18- and 20-year-old college student, the minor will pay in-state tuition rates, but the 20-year-old is considered a non-resident and must pay non-resident tuition.

Residency also is determined by the student's intent, whether he or she intended to live in or leave the state permanently, he said, and by the student's relation to the state, which covers students of legal age and those with no legal guardian.

This part of the student pertains to Hoy, he said.

By state law, those eligible for resident tuition must be a registered voter in Nebraska, pay state and local taxes the year before admission or own a house in the state.

Hoy admits she wasn't a registered voter before entering law school. She and her husband were in New Mexico for 11 months.

"When a person is here 23 years, is gone for 11 months, comes back and is not a resident; it's as if I've never been here," she said.

### Nebraska education

She said she attended school in Nebraska. She graduated from Nebraska Wesleyan University, majoring in political science, worked at UNL in 1975 and paid resident tuition rates for UNL graduate courses in political science. Her parents have lived here all their lives, she added.

Hoy said she never intended to leave the state permanently. When she came back to Nebraska in the fall 1976, she said, she tried to apply for resident tuition rates, but her application was turned down. She asked the residency office to reconsider, but was again denied residency rates.

Gourlay declined to discuss the merits of the case before it went to court, but he said he reviewed Hoy's application for residency and looked at it "quite carefully" before he turned her down.

He said he thinks the university's decision was a proper one and told Hoy the only other avenue of appeal open to her was through the courts.

The statutes spell out every individual case in detail, he said. The university "attempts to interpret and apply the rules enacted by the (Nebraska) Legislature" as fairly as possible, he explained.

Cine, William, Wright, Johnson and Oldfather, a Lincoln law firm, will defend the university.

Don Stenberg, Hoy's attorney, said the court battle probably will be in eight to 12 months, "if things take their normal course."

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