

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 746

FINAL READING

Introduced by Aguilar, 35.

Read first time January 09, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to universities and colleges; to amend section
2 85-505, Reissue Revised Statutes of Nebraska, and section
3 85-505.01, Revised Statutes Cumulative Supplement, 2006;
4 to change provisions relating to tuition credits;
5 to harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 85-505, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 85-505 Any member of the Nebraska National Guard who
4 enrolls in any state-supported university, college, or community
5 college or any independent, not-for-profit, regionally accredited
6 college or university in this state shall be entitled to a
7 credit of seventy-five percent of the resident tuition charges of
8 such school, except that any member who attends an independent,
9 not-for-profit, regionally accredited college or university in this
10 state shall receive a credit in an amount no higher than that
11 person would receive if he or she attended the University of
12 Nebraska-Lincoln. Such entitlement shall be for a period of ten
13 years from the date of the member's initial membership so long as
14 the member maintains satisfactory performance with the guard and
15 pursues his or her course of study in such institution in a manner
16 which satisfies the normal requirements of the institution. If a
17 member is unable to complete his or her course of study within the
18 ten-year period due to deployment on federal or state active-duty
19 status for not less than one hundred twenty days, the Adjutant
20 General may extend the entitlement period for such member for a
21 period equal to the period of such person's active-duty status, not
22 to exceed a maximum of five years. During the extended entitlement
23 period, the member shall maintain satisfactory performance with the
24 guard and pursue his or her course of study in such institution
25 which satisfies the usual requirements of such institution. Any

1 member entitled to a credit of seventy-five percent of resident
2 tuition charges and enrolled in the tuition credit program as of
3 October 1, 1992, shall on and after May 27, 1999, be entitled to
4 the credit at such rate until completion of the educational program
5 in which he or she is enrolled on October 1, 1992, so long as
6 the member maintains satisfactory performance with the guard and
7 pursues his or her course of study in such institution in a manner
8 which satisfies the normal requirements of the institution. The
9 number of individuals granted tuition credit shall not exceed the
10 number specified in section 85-505.01 during any fiscal year, and
11 the amount of tuition credits granted shall not exceed nine hundred
12 thousand dollars during any fiscal year. When determining to whom
13 such tuition credit shall be awarded, priority shall be given
14 to those individuals who have previously received tuition credits
15 while a National Guard member, and the Nebraska National Guard
16 shall apply those program qualifications and limitations consistent
17 with efficient and effective program management as determined by
18 the Adjutant General.

19 Sec. 2. Section 85-505.01, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 85-505.01 (1) The tuition assistance program prescribed
22 in sections 85-505 to 85-508 shall not be available to:

23 (a) More than one thousand two hundred members during any
24 fiscal year;

25 (b) Commissioned and warrant officers who have a

1 baccalaureate degree or are eligible for any other equivalent
2 federal benefits;

3 (c) Enlisted personnel entitled to any equivalent federal
4 educational benefits, except that this subdivision shall not apply
5 to personnel receiving assistance from the federal Educational
6 Assistance Program for Members of the Selected Reserve, as it
7 existed on September 1, 2001; and

8 (d) Enlisted personnel who have a baccalaureate degree.

9 (2) The tuition assistance program prescribed in sections
10 85-505 to 85-508 shall be available to members of the Nebraska
11 National Guard for a period of ten years, as provided in section
12 85-505, from the date of initial membership.

13 (3) Any member of the Nebraska National Guard receiving
14 tuition assistance under sections 85-505 to 85-508 may obtain only
15 one undergraduate degree under such tuition assistance program.
16 Only credit-bearing courses which meet degree requirements shall be
17 approved for tuition assistance. Members shall not receive tuition
18 assistance for any noncredit courses.

19 (4) If a member of the Nebraska National Guard
20 voluntarily withdraws from a course for which he or she is
21 receiving tuition assistance, the member shall be liable for all
22 costs relating to such withdrawal, including, but not limited to,
23 all of the costs billed by the educational institution to the
24 Nebraska National Guard. Reimbursement shall be in accordance with
25 section 72-1601.

1 (5) Any member of the Nebraska National Guard who
2 receives tuition assistance shall agree in writing to serve in
3 the Nebraska National Guard for three years after the completion
4 of the courses for which tuition assistance was given. Any member
5 who receives tuition assistance may be asked to reimburse the State
6 of Nebraska if any such member leaves the Nebraska National Guard
7 during such three-year period. Reimbursement shall be in accordance
8 with section 72-1601.

9 (6) The Military Department shall retain the
10 responsibility and authority to establish any limitations
11 and controls it deems necessary to ensure maximum fiscal efficiency
12 and productivity of the tuition assistance program prescribed in
13 sections 85-505 to 85-508.

14 Sec. 3. Original section 85-505, Reissue Revised Statutes
15 of Nebraska, and section 85-505.01, Revised Statutes Cumulative
16 Supplement, 2006, are repealed.