

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 206

FINAL READING

Introduced by Nantkes, 46; Nordquist, 7; Howard, 9; Rogert, 16.

Read first time January 12, 2009

Committee: Education

A BILL

- 1 FOR AN ACT relating to postsecondary education; to adopt the In the
- 2 Line of Duty Dependent Education Act; and to declare an
- 3 emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and
2 may be cited as the In the Line of Duty Dependent Education Act.

3 Sec. 2. The Legislature finds and declares that:

4 (1) Nebraska's law enforcement officers and firefighters
5 place their lives at risk in the line of duty to protect the
6 citizens and property of this state;

7 (2) The services performed by Nebraska law enforcement
8 officers and firefighters are necessary for the protection of the
9 citizens and property of this state;

10 (3) Nebraska law enforcement officers and firefighters
11 have lost or may lose their lives in the performance of their
12 official duties; and

13 (4) Nebraska law enforcement officers and firefighters
14 perform dangerous and hazardous acts in order to protect the
15 citizens and property of this state.

16 It is the intent of the Legislature to recognize the
17 ultimate sacrifice made by Nebraska law enforcement officers and
18 firefighters who are killed in the line of duty on or after the
19 effective date of this act by providing a postsecondary educational
20 benefit for their surviving children to attend state universities,
21 state colleges, and community colleges located in Nebraska.

22 Sec. 3. For purposes of the In the Line of Duty Dependent
23 Education Act:

24 (1) Associate degree program means a degree program at
25 a community college, state college, or state university which

1 typically requires completion of an organized program of study of
2 at least sixty semester credit hours or an equivalent that can be
3 shown to accomplish the same goal. Associate degree program does
4 not include a baccalaureate degree program;

5 (2) Baccalaureate degree program means a degree program
6 at a community college, state college, or state university which
7 typically requires completion of an organized program of study of
8 at least one hundred twenty semester credit hours or an equivalent
9 that can be shown to accomplish the same goal;

10 (3) Child means a resident or nonresident of Nebraska who
11 is the child by birth or adoption of a Nebraska law enforcement
12 officer killed in the line of duty or a Nebraska firefighter killed
13 in the line of duty;

14 (4) Community college means a public postsecondary
15 educational institution which is part of the community college
16 system and includes all branches and campuses of such institution
17 located within the State of Nebraska;

18 (5) Education benefit means the In the Line of Duty
19 Dependent Education Benefit established under section 4 of this
20 act;

21 (6) Fatal injury means an event occurring in the line of
22 duty which is a proximate cause of the death of a law enforcement
23 officer or firefighter;

24 (7) Firefighter means a member of a paid or volunteer
25 fire department in Nebraska, including a member of a rescue squad

1 associated with a paid or volunteer fire department in Nebraska,
2 and a member of an emergency medical services ambulance squad;

3 (8) Law enforcement officer means any person who is
4 responsible for the prevention or detection of crime or the
5 enforcement of the penal, traffic, or highway laws of the State of
6 Nebraska or any political subdivision of the state for more than
7 one hundred hours per year and who is authorized by law to make
8 arrests;

9 (9) Line of duty means any action that a Nebraska law
10 enforcement officer or firefighter is authorized or obligated by
11 law, rule, or regulation to perform, related to or as a condition
12 of employment or service;

13 (10) State college means a public postsecondary
14 educational institution which is part of the Nebraska state college
15 system and includes all branches and campuses of such institution
16 located within the State of Nebraska;

17 (11) State university means a public postsecondary
18 educational institution which is part of the University of Nebraska
19 and includes all branches and campuses of such institution located
20 within the State of Nebraska;

21 (12) Tuition and fees means the charges and cost of
22 tuition and fees as set by the governing body of a state
23 university, state college, or community college; and

24 (13) Volunteer fire department means a volunteer
25 department as defined in section 35-1303 located in Nebraska which

1 provides fire protection services within Nebraska.

2 Sec. 4. (1) The In the Line of Duty Dependent Education
3 Benefit is established for children of law enforcement officers
4 and firefighters killed in the line of duty. In order for a child
5 to be eligible for the benefit, the law enforcement officer or
6 firefighter must have incurred the fatal injury on or after the
7 effective date of this act.

8 (2) Notwithstanding the provisions of this section, a
9 death that occurs as the direct and proximate result of a
10 preexisting physical condition, disease, or illness shall be
11 excluded from eligibility under this section unless the aggravation
12 of such condition, disease, or illness caused by being in the line
13 of duty was a direct and proximate cause of death.

14 (3) Any child who is the child of a law enforcement
15 officer killed in the line of duty as provided in subsection (1)
16 of this section or of a firefighter killed in the line of duty
17 as provided in such subsection shall be eligible for the education
18 benefit if the child is twenty-five years of age or younger. An
19 eligible child shall meet all admission requirements of the state
20 university, state college, or community college to which he or she
21 is applying.

22 (4) The education benefit shall be provided only for
23 full-time undergraduate students who are pursuing studies leading
24 to a degree from an associate degree program or a baccalaureate
25 degree program. The eligible child may receive the education

1 benefit for up to five years if he or she otherwise continues to be
2 eligible for participation. All education benefits received under
3 the In the Line of Duty Dependent Education Act shall cease when
4 the eligible child reaches twenty-six years of age.

5 (5) A child becomes eligible for the education benefit
6 after he or she has applied for federal financial aid grants and
7 state scholarships and grants to cover tuition and fees. The child
8 must provide a record of application for such financial aid to the
9 state university, state college, or community college to which he
10 or she is applying.

11 (6) The state university, state college, or community
12 college shall waive tuition and fees remaining due after
13 subtracting awarded federal financial aid grants and state
14 scholarships and grants for an eligible child during the time the
15 child is enrolled as a full-time student. To remain eligible,
16 the child must comply with all requirements of the institution
17 for continued attendance and award of an associate degree or a
18 baccalaureate degree.

19 (7) An application for an education benefit shall include
20 a certified copy of the eligible child's birth certificate or
21 applicable adoption record and verification of the death of the law
22 enforcement officer or firefighter who was the child's parent.

23 (8) Verification of the death of the law enforcement
24 officer or firefighter shall be made by obtaining a certificate
25 of eligibility from the following sources: (a) Certificates of

1 eligibility for the children of law enforcement officers shall
2 be obtained from the Superintendent of Law Enforcement and
3 Public Safety; (b) certificates of eligibility for the children
4 of firefighters, except as provided in subdivision (c) of this
5 subsection, shall be obtained from the State Fire Marshal; and
6 (c) certificates of eligibility for the children of members of
7 emergency medical services ambulance squads that are not associated
8 with a paid or volunteer fire department shall be obtained from the
9 Department of Health and Human Services.

10 (9) Within forty-five days after receipt of a completed
11 application, the state university, state college, or community
12 college shall send written notice of the applicant's eligibility or
13 ineligibility for the education benefit. If the child is determined
14 not to be eligible for the benefit, the notice shall include
15 the reason or reasons for such determination and an indication
16 that an appeal of the determination may be made pursuant to the
17 Administrative Procedure Act.

18 (10) Upon a determination of eligibility for the child to
19 obtain the education benefit, the state university, state college,
20 or community college is prohibited from charging the child, the
21 child's surviving parent, or the child's guardian any tuition or
22 fees as long as the child remains eligible.

23 Sec. 5. Each state university, state college, or
24 community college shall adopt the procedures, rules, and
25 regulations necessary to carry out the In the Line of Duty

1 Dependent Education Act.

2 Sec. 6. A finding that a student qualifies for an
3 education benefit pursuant to the In Line of Duty Dependent
4 Education Act shall not be admissible as evidence for any other
5 purpose.

6 Sec. 7. Since an emergency exists, this act takes effect
7 when passed and approved according to law.