

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 450

FINAL READING
(SECOND)

Introduced by Wishart, 27; Brewer, 43; Lowe, 37; Hunt, 8.

Read first time January 18, 2019

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to postsecondary education; to amend sections
2 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of
3 Nebraska; to change tuition assistance program provisions for
4 National Guard members, spouses, and children; to harmonize
5 provisions; to provide an operative date; 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 Nebraska, is
2 amended to read:

3 85-505 Any member of the Nebraska National Guard who enrolls in any
4 state-supported university, college, or community college or any
5 independent, not-for-profit, regionally accredited college or university
6 in this state shall be entitled to a credit of one hundred seventy-five
7 percent of the resident tuition charges of such school for a diploma,
8 certificate, associate degree, or baccalaureate degree program or fifty
9 percent of the resident tuition charges of such school for a graduate or
10 professional degree program, except that any member who attends an
11 independent, not-for-profit, regionally accredited college or university
12 in this state shall receive a credit in an amount no higher than such
13 member that person would receive if attending he or she attended the
14 University of Nebraska-Lincoln. Such entitlement shall be for a period of
15 ten years from the date of the member's initial membership so long as the
16 member maintains satisfactory performance with the guard and pursues a
17 ~~his or her~~ course of study in such institution in a manner which
18 satisfies the normal requirements of the institution. If a member is
19 unable to complete the ~~his or her~~ course of study within the ten-year
20 period due to deployment on federal or state active-duty status for not
21 less than one hundred twenty days, the Adjutant General may extend the
22 entitlement period for such member for a period equal to the period of
23 such person's active-duty status, not to exceed a maximum of five years.
24 During the extended entitlement period, the member shall be subject to
25 all remaining conditions and limitations of the tuition assistance
26 program prescribed in sections 85-505 to 85-508. The number of
27 individuals granted tuition credit shall not exceed the number specified
28 in section 85-505.01 during any fiscal year, and the amount of tuition
29 credits granted shall not exceed nine hundred thousand dollars during any
30 fiscal year. When determining to whom such tuition credit shall be
31 awarded, priority shall be given to those individuals who have previously

1 received tuition credits while a National Guard member, and the Nebraska
2 National Guard shall apply those program qualifications and limitations
3 consistent with efficient and effective program management as determined
4 by the Adjutant General.

5 Sec. 2. Section 85-505.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 85-505.01 (1) The tuition assistance program prescribed in sections
8 85-505 to 85-508 shall not be available to:

9 (a) More than one thousand two hundred members during any fiscal
10 year; and

11 ~~(b) Any member who has a baccalaureate degree; and~~

12 (b) (c) Any member who has not exhausted any available federal
13 tuition assistance benefits available to him or her.

14 (2) The tuition assistance program prescribed in sections 85-505 to
15 85-508 shall be available to members of the Nebraska National Guard for a
16 period of ten years, as provided in section 85-505, from the date of
17 initial membership.

18 ~~(3) Any member of the Nebraska National Guard receiving tuition~~
19 ~~assistance under sections 85-505 to 85-508 may obtain only one~~
20 ~~baccalaureate degree under such tuition assistance program. Only credit-~~
21 ~~bearing courses which meet program degree requirements shall be approved~~
22 ~~for tuition assistance under sections 85-505 to 85-508. Members shall not~~
23 ~~receive tuition assistance for any noncredit courses.~~

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

30 (5) Any member of the Nebraska National Guard who receives tuition
31 assistance shall agree in writing to serve in the Nebraska National Guard

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

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

10 Sec. 3. Section 85-506, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 85-506 It shall be the responsibility of the individual member of
13 the Nebraska National Guard to obtain a certificate from such member's
14 ~~his or her~~ commanding officer attesting as to the ~~his or her~~ satisfactory
15 guard performance of such member and to present the same to the
16 educational institution in order to obtain tuition credit. Such
17 certification shall be accomplished at the time of enrollment for each
18 semester or academic term for which tuition credit is requested. Such
19 certification shall include a signed agreement by the individual to serve
20 in the National Guard for a minimum of three years from the date of
21 certification.

22 Sec. 4. Section 85-507, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 85-507 The spouse and children of any member of the Nebraska
25 National Guard who dies while serving in the active service of the state
26 shall be entitled to a credit of one hundred percent of the tuition
27 charges in any state-supported university, college, or community college
28 or any independent, not-for-profit, regionally accredited college or
29 university in this state, except that any spouse or child who attends an
30 independent, not-for-profit, regionally accredited college or university
31 in this state shall receive a credit in an amount no higher than that

1 spouse or child would receive if attending ~~he or she~~ attended the
2 University of Nebraska-Lincoln. Such tuition credit shall be for any
3 undergraduate course of education not exceeding four years, except that
4 no credit shall be granted to the spouse after the tenth anniversary of
5 the member's death and no credit shall be granted to a child after such
6 child's twenty-fifth birthday. All persons eligible for tuition credit
7 under this section shall obtain a certificate of eligibility from the
8 Adjutant General of the Nebraska National Guard and present such
9 certificate to the educational institution.

10 Sec. 5. This act becomes operative on January 1, 2021.

11 Sec. 6. Original sections 85-505, 85-505.01, 85-506, and 85-507,
12 Reissue Revised Statutes of Nebraska, are repealed.