

LEGISLATIVE BILL 866

Approved by the Governor April 11, 1988

Introduced by Chizek, 31; Ashford, 6; Hall, 7

AN ACT relating to the Nebraska National Guard; to amend sections 85-505 and 85-505.01, Reissue Revised Statutes of Nebraska, 1943; to change the number of persons eligible for the tuition assistance program as prescribed; to harmonize provisions; to appropriate funds; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 85-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-505. Any member of the Nebraska National Guard who shall enroll, on or after July 1, 1986, in any state-supported university, college, or technical community college shall be entitled to a credit of seventy-five percent of the resident tuition charges of such school. Such entitlement shall be for a period of ten years from the date of the member's initial membership so long as the member of the Nebraska National Guard maintains satisfactory performance with the guard and pursues his or her course of study in such institution in a manner which satisfies the normal requirements of the institution, except that the number of individuals granted such tuition credit shall not exceed ~~twelve hundred members~~ the number specified in section 85-505.01 during any fiscal year. When determining to whom such tuition credit shall be awarded, priority shall be given to those individuals who have previously received tuition credits while a National Guard member, and the Nebraska National Guard shall apply those program qualifications and limitations consistent with efficient and effective program management as determined by the Adjutant General.

Sec. 2. That section 85-505.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

(a) More than ~~twelve~~ one thousand two hundred

members during any fiscal year, except that for the fiscal year ending June 30, 1988, the limit shall be one thousand two hundred and fifty members;

(b) Commissioned and warrant officers who have a baccalaureate degree or are eligible for any other equivalent federal benefits;

(c) Enlisted personnel entitled to any equivalent federal educational benefits, except that this subdivision shall not apply to personnel receiving assistance from the federal Educational Assistance Program for Members of the Selected Reserve; and

(d) Enlisted personnel who have a baccalaureate degree.

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

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

(4) If a member of the Nebraska National Guard voluntarily withdraws from a course for which he or she is receiving tuition assistance, the member shall be liable for all costs relating to such withdrawal, including, but not limited to, all of the costs billed by the educational institution to the Nebraska National Guard. Reimbursement shall be in accordance with section 77-2418.

(5) All non-prior-service enlistees shall have completed basic military training, military occupational specialty training, or skill-level training prior to being eligible for tuition assistance.

(6) Any member of the Nebraska National Guard who receives tuition assistance shall agree in writing to serve in the Nebraska National Guard for three years after the completion of the courses for which tuition assistance was given. Any member who receives tuition assistance may be asked to reimburse the State of Nebraska if any such member leaves the Nebraska National Guard during such three-year period. Reimbursement shall be in accordance with section 77-2418.

(7) The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure maximum fiscal efficiency and productivity of the

tuition assistance program prescribed in sections 85-505 to 85-508.

Sec. 3. There is hereby appropriated \$25,000 from the General Fund for the period July 1, 1987, to June 30, 1988, to the Military Department, for Program 548, to aid in carrying out section 85-505.01.

Sec. 4. That original sections 85-505 and 85-505.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.