

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB206

Hearing Date: Monday January 26, 2009
Committee On: Education
Introducer: Nantkes
One Liner: Adopt the In the Line of Duty Dependent Education Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Danielle Nantkes
David Engler
Korby Gilbertson
Trevor Towey
Bruce Beins
Jerry Stilmock

Representing:

Introducer
Nebraska Professional Firefighters Assoc.
State Troopers Association of Nebraska
Omaha Professional Firefighters
Nebraska EMS Association
Nebraska State Volunteer Firefighters Assoc.

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 206 would create the "In the Line of Duty Dependent Education Act" for the benefit of children of deceased Nebraska law enforcement officers and firefighters killed in the line of duty on or after the effective date of the act.

Legislative findings would state that Nebraska's law enforcement officers and firefighters have lost or may lose their lives in the performance of official duties to protect the citizens and property of Nebraska. The intent of the Legislature would be to recognize the sacrifice by providing postsecondary educational benefits for surviving children to attend state universities, state colleges, and community colleges located in Nebraska.

Children of deceased Nebraska law enforcement officers or firefighters would be eligible if:

1. The child is not receiving benefits under any federal act providing for the payment of tuition and fees for children of law enforcement officers or firefighters killed in the line of duty;
 2. The law enforcement officer or firefighter was engaged in his or her authorized law enforcement or fire suppression duties (including arson investigation) when the fatal injury was incurred, the fatal injury occurred after the effective date of the act, and the death was not the direct and proximate result of a preexisting condition; and
 3. The child is 25 or younger and meets all admission requirements of the state university, state college, or community
-

college to which he or she is applying.

The benefit would only be provided for full-time undergraduate students pursuing an associate or baccalaureate degree. The benefit would be provided for up to 5 years based on continuing eligibility, which would cease at 26 years of age. The child would be required to apply for federal and state grants to cover tuition and fees and to provide records of such applications to the educational institution. The state university, state college, or community college would waive tuition and fees remaining after subtracting scholarships and federal and state grants.

The application would include a certified copy of the child's birth certificate or adoption record and verification of the death of the law enforcement officer or firefighter. Verification would be obtained from the Superintendent of Law Enforcement and Public Safety or State Fire Marshal.

The educational institution would be required to send written notice of eligibility or ineligibility within 45 days after receiving the application. Notices of ineligibility would include reasons for ineligibility and state that an appeal may be made pursuant to the Administrative Procedure Act.

Upon a determination of eligibility, the institution would be prohibited from charging tuition or fees as long as the child is a full-time student, meets the admission requirements, and complies with the requirements for continued attendance and award of an associate or baccalaureate degree. Each institution would adopt necessary procedures, rules, and regulations.

The definitions for the Act would be as follows:

1. Associate degree program would mean a degree program at a community college, state college, or state university which typically requires completion of an organized program of the equivalent of at least 60 credit hours;
2. Baccalaureate degree program would mean a degree program at a community college, state college, or state university which typically requires completion of an organized program of the equivalent of at least 120 credit hours;
3. Child would mean a resident or nonresident who is the child by birth or adoption of a Nebraska law enforcement officer or firefighter killed in the line of duty;
4. Community college would mean a public postsecondary educational institution that is part of the community college system, including all branches and campuses;
5. Education benefit would mean the In the Line of Duty Dependent Education Benefit;
6. Firefighter would mean a member of a paid or volunteer fire department, including associated rescue squad members and members of emergency medical services ambulance squads;
7. Law enforcement officer would mean any person responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws for more than 100 hours per year and who is authorized to make arrests, including county sheriffs, full and part-time employees of a county sheriff's office and city or village police departments;
8. Line of duty would mean any action that a law enforcement officer or firefighter is authorized or obligated to perform by law, rule, regulation, or condition of employment or service;
9. State college would mean a public postsecondary educational institution which is part of the Nebraska state college system, including all branches and campuses;
10. State university would mean a public postsecondary educational institution which is part of the University of Nebraska, including all branches and campuses;
11. Tuition and fees would mean charges and costs of in-state tuition and fees set by the governing body of the institution; and
12. Volunteer fire department would mean a volunteer department, as defined in section 35-1303, which provides fire protection services within Nebraska.

This measure contains a severability clause and an emergency clause. The operative date would be July 1, 2010.

Explanation of amendments:

The committee amendments would replace the original provisions of LB 206, but would also create an "In the Line of Duty Dependent Education Act" for the benefit of children of deceased Nebraska law enforcement officers and firefighters killed in the line of duty on or after the effective date of the act.

Legislative findings would state that Nebraska's law enforcement officers and firefighters have lost or may lose their lives in the performance of official duties to protect the citizens and property of Nebraska. The intent of the Legislature would be to recognize the sacrifice by providing postsecondary educational benefits for surviving children to attend state universities, state colleges, and community colleges located in Nebraska.

Children of deceased Nebraska law enforcement officers or firefighters would be eligible if:

1. The fatal injury occurred after the effective date of the act;
2. The death was not the direct and proximate result of a preexisting condition unless aggravation of the condition that was caused by being in the line of duty and was a direct and proximate cause of death;
3. The child is 25 or younger; and
4. The child meets all admission requirements of the state university, state college, or community college to which he or she is applying.

The benefit would only be provided for full-time undergraduate students pursuing an associate or baccalaureate degree. The benefit would be provided for up to 5 years based on continuing eligibility, which would cease at 26 years of age. The child would be required to apply for federal financial aid grants and state scholarships and grants to cover tuition and fees and to provide records of such applications to the educational institution. The state university, state college, or community college would waive tuition and fees remaining after subtracting federal financial aid grants and state scholarships and grants. To remain eligible, the child would be required to comply with all requirements of the institution for continued attendance and award of an associate or baccalaureate degree.

The application would include a certified copy of the child's birth certificate or adoption record and verification of the death of the law enforcement officer or firefighter. Verification would be obtained from the Superintendent of Law Enforcement and Public Safety, the State Fire Marshal, or the Department of Health and Human Services.

The educational institution would be required to send written notice of eligibility or ineligibility within 45 days after receiving the application. Notices of ineligibility would include reasons for ineligibility and state that an appeal may be made pursuant to the Administrative Procedure Act.

Upon a determination of eligibility, the institution would be prohibited from charging tuition or fees as long as the child remains eligible. Each institution would adopt necessary procedures, rules, and regulations.

A finding of eligibility for educational benefits under the Act would not be admissible as evidence for any other purposes.

The definitions for the Act would be as follows:

1. Associate degree program would mean a degree program at a community college, state college, or state university which typically requires completion of an organized program of the equivalent of at least 60 credit hours, but would not include a baccalaureate degree program;
2. Baccalaureate degree program would mean a degree program at a community college, state college, or state university which typically requires completion of an organized program of the equivalent of at least 120 credit hours;
3. Child would mean a resident or nonresident who is the child by birth or adoption of a Nebraska law enforcement officer or firefighter killed in the line of duty;
4. Community college would mean a public postsecondary educational institution that is part of the community college system, including all branches and campuses;
5. Education benefit would mean the In the Line of Duty Dependent Education Benefit;
6. Fatal injury would mean an event occurring in the line of duty which is a proximate cause in the death of a law

enforcement officer or firefighter;

7. Firefighter would mean a member of a paid or volunteer fire department, including associated rescue squad members, and members of emergency medical services ambulance squads;

8. Law enforcement officer would mean any person responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws for more than 100 hours per year and who is authorized to make arrests;

9. Line of duty would mean any action that a law enforcement officer or firefighter is authorized or obligated to perform by law, rule, regulation, or condition of employment or service;

10. State college would mean a public postsecondary educational institution which is part of the Nebraska state college system, including all branches and campuses;

11. State university would mean a public postsecondary educational institution which is part of the University of Nebraska, including all branches and campuses;

12. Tuition and fees would mean charges and costs of tuition and fees set by the governing body of the institution; and

13. Volunteer fire department would mean a volunteer department, as defined in section 35-1303, which provides fire protection services within Nebraska.

This measure contains an emergency clause.

Greg Adams, Chairperson