

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 368

Introduced by Dierks, 40

Read first time January 8, 2001

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend sections 48-225,
2 80-401.01, and 80-802, Reissue Revised Statutes of
3 Nebraska, and section 80-411, Revised Statutes
4 Supplement, 2000; to change provisions relating to
5 periods of service in the United States Armed Forces; to
6 harmonize provisions; and to repeal the original
7 sections.

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

1 Section 1. Section 48-225, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-225. As used in sections 48-225 to 48-231, unless the
4 context otherwise requires:

5 (1) Veteran ~~shall mean~~ means any person who served
6 full-time duty with military pay and allowances in the armed forces
7 of the United States, except for training or for determining
8 physical fitness, and was discharged under honorable conditions;

9 (2) Full-time duty ~~shall mean~~ means duty during time of
10 war or during a period recognized by the United States Department
11 of Veterans Affairs as qualifying for veterans benefits
12 administered by the department and that such duty from January 31,
13 1955, to ~~August 5, 1964,~~ February 28, 1961, exceeded one
14 hundred eighty days unless lesser duty was the result of a
15 service-connected or service-aggravated disability;

16 (3) Disabled veteran ~~shall mean~~ means an individual who
17 has served on active duty in the armed forces of the United States,
18 has been separated therefrom under honorable conditions, and has
19 established the present existence of a service-connected disability
20 or is receiving compensation, disability retirement benefits, or
21 pension because of a public statute administered by the United
22 States Department of Veterans Affairs or a military department; and

23 (4) Preference eligible ~~shall mean~~ means any veteran as
24 defined in this section.

25 Sec. 2. Section 80-401.01, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 80-401.01. For purposes of sections 80-401 to 80-412,
28 unless the context otherwise requires:

1 (1) Recognized veterans organization ~~shall mean~~ means the
2 American Legion, the American Ex-Prisoners of War, the Disabled
3 American Veterans, the Military Order of the Purple Heart, the
4 Paralyzed Veterans of America, the Veterans of Foreign Wars of the
5 United States, the Vietnam Veterans of America, and any other
6 veterans organization which the Director of Veterans' Affairs
7 determines (a) is recognized by the United States Department of
8 Veterans Affairs for claims representation, (b) has a presence in
9 each of this state's congressional districts, and (c) maintains a
10 state headquarters sanctioned by its national organization;

11 (2) Veteran of the Spanish-American War ~~shall mean~~ means
12 a person who served on active duty in the armed forces of the
13 United States between April 21, 1898, and July 4, 1902, and who
14 received an honorable discharge, or its equivalent, from such
15 service or who, being a citizen of the United States at the time of
16 his or her entry into such service, served with the military forces
17 of any government allied with the United States in that war;

18 (3) Veteran of World War I ~~shall mean~~ means a person who
19 served on active duty in the armed forces of the United States
20 between April 6, 1917, and November 11, 1918, and who has received
21 an honorable discharge, or its equivalent, from such service or
22 who, being a resident of the United States at the time of his or
23 her entry into such service, served with the military forces of any
24 government allied with the United States in that war;

25 (4) Veteran of World War II ~~shall mean~~ means a person who
26 served on active duty in the armed forces of the United States
27 between December 7, 1941, and December 31, 1946, and who received
28 an honorable discharge, or its equivalent, from such service or

1 who, being a citizen of the United States at the time of his or her
2 entry into such service, served with the military forces of any
3 government allied with the United States in that war and who
4 received an honorable discharge, or its equivalent, from such
5 service;

6 (5) Veteran of the Korean War ~~shall mean~~ means a person
7 who served on active duty in the armed forces of the United States
8 between June 25, 1950, and January 31, 1955, and who received an
9 honorable discharge, or its equivalent, from such service or who,
10 being a citizen of the United States at the time of his or her
11 entry into such service, served with the military forces of any
12 government allied with the United States in that war and who
13 received an honorable discharge, or its equivalent, from such
14 service;

15 (6) Veteran of the Vietnam War ~~shall mean~~ means a person
16 who served on active duty in the armed forces of the United States
17 between ~~August 5, 1964~~ February 28, 1961, and May 7, 1975, and who
18 received an honorable discharge, or its equivalent, from such
19 service or who, being a citizen of the United States at the time of
20 his or her entry into such service, served with the military forces
21 of any government allied with the United States in that war and who
22 received an honorable discharge, or its equivalent, from such
23 service;

24 (7) Veteran of Lebanon ~~shall mean~~ means a person who
25 served on active duty in the armed forces of the United States
26 between August 25, 1982, and February 26, 1984, and who received an
27 honorable discharge, or its equivalent, from such service or who,
28 being a citizen of the United States at the time of his or her

1 entry into such service, served with the military forces of any
2 government allied with the United States in that war and who
3 received an honorable discharge, or its equivalent, from such
4 service;

5 (8) Veteran of Grenada ~~shall mean~~ means a person who
6 served on active duty in the armed forces of the United States
7 between October 23, 1983, and November 23, 1983, and who received
8 an honorable discharge, or its equivalent, from such service or
9 who, being a citizen of the United States at the time of his or her
10 entry into such service, served with the military forces of any
11 government allied with the United States in that war and who
12 received an honorable discharge, or its equivalent, from such
13 service;

14 (9) Veteran of Panama ~~shall mean~~ means a person who
15 served on active duty in the armed forces of the United States
16 between December 20, 1989, and January 31, 1990, and who received
17 an honorable discharge, or its equivalent, from such service or
18 who, being a citizen of the United States at the time of his or her
19 entry into such service, served with the military forces of any
20 government allied with the United States in that war and who
21 received an honorable discharge, or its equivalent, from such
22 service;

23 (10) Veteran of the Persian Gulf War ~~shall mean~~ means a
24 person who served on active duty in the armed forces of the United
25 States beginning on August 2, 1990, and ending on the date
26 thereafter prescribed by presidential proclamation or by law, and
27 who received an honorable discharge, or its equivalent, from such
28 service or who, being a citizen of the United States at the time of

1 his or her entry into such service, served with the military forces
 2 of any government allied with the United States in that war and who
 3 received an honorable discharge, or its equivalent, from such
 4 service;

5 (11) Active duty ~~shall mean~~ means full-time duty in the
 6 armed forces other than active duty for training; and

7 (12) Active duty for training ~~shall mean~~ means full-time
 8 duty in the armed forces performed by reserves for training
 9 purposes.

10 Sec. 3. Section 80-411, Revised Statutes Supplement,
 11 2000, is amended to read:

12 80-411. (1) The University of Nebraska, the state
 13 colleges, and the community colleges shall waive all tuition on
 14 behalf of a dependent of a veteran pursuant to this section. A
 15 person shall be eligible for the waiver if he or she meets the
 16 following requirements:

17 (a) He or she is a resident of this state and meets the
 18 appropriate institution's requirements for establishing residency
 19 for the purpose of paying instate tuition;

20 (b) He or she has a parent, stepparent, or spouse who was
 21 a member of the armed forces of the United States and who:

22 (i) ~~Died of a service-connected disability in~~ Was a
 23 veteran of World War I as defined in section 80-401.01 and died of
 24 a service-connected disability;

25 (ii) Died of a service-connected disability on December
 26 7, 1941, or subsequently until such future date as determined by
 27 the Legislature;

28 (iii) Died subsequent to discharge as a result of injury

1 or illness sustained while a member of the armed forces which may
2 or may not have resulted in total disability;

3 (iv) Is permanently and totally disabled as a result of
4 military service during such periods. Permanent and total
5 disability does not include total ratings or other temporary
6 ratings except total ratings based on individual unemployability if
7 permanent; or

8 (v) While a member of the armed forces of the United
9 States, is classified as missing in action or as a prisoner of war
10 during armed hostilities after ~~August 4, 1964~~ February 28, 1961;
11 and

12 (c) If he or she is a child or stepchild of a person
13 described in subdivision (1)(b) of this section, he or she is under
14 the age of twenty-six years unless he or she serves on active duty
15 with the armed forces after his or her eighteenth birthday but
16 before his or her twenty-sixth birthday, in which case such period
17 shall end five years after his or her first discharge or release
18 from such duty with the armed forces, but in no event shall such
19 period be extended beyond the thirty-first birthday.

20 (2) An application for a waiver shall be submitted
21 through one of the recognized veterans organizations or any county
22 service officer on a form to be prescribed by the Director of
23 Veterans' Affairs. The organization or county service officer
24 shall thoroughly investigate to determine if the applicant is
25 eligible for the waiver and transmit a recommendation for action on
26 the application to the director.

27 (3) If the director determines that the applicant is
28 eligible for the waiver, the director shall so certify to the

1 institution in which the applicant desires to enroll. The decision
 2 of the director shall, in the absence of fraud or misrepresentation
 3 on the part of the applicant, be final and shall be binding upon
 4 the applicant and upon the institutions specified in this section.
 5 The director shall adopt and promulgate reasonable rules and
 6 regulations for the administration of this section.

7 (4) The waiver shall be valid for one degree, diploma, or
 8 certificate from a community college and one baccalaureate degree.
 9 Receipt of such degree, diploma, or certificate from a community
 10 college shall precede receipt of such baccalaureate degree.

11 Sec. 4. Section 80-802, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 80-802. As used in sections 80-801 to 80-806, unless the
 14 context otherwise requires:

15 (1) Qualified veteran ~~shall mean~~ means any veteran who:

16 (a) Served on active duty in the armed services of the
 17 United States for a period of more than one hundred eighty days, a
 18 part of which service was after ~~August 5, 1964~~ February 28, 1961,
 19 and prior to such time as Congress declares a cessation of
 20 hostilities, and who was discharged or released from such service
 21 under conditions other than dishonorable; and

22 (b) Was a resident of Nebraska for at least one year
 23 immediately preceding his or her entry on active duty, and who
 24 returned to and has continued to reside in Nebraska following his
 25 or her discharge or release from active duty and continues to
 26 reside in Nebraska during the period in which he or she is enrolled
 27 in an approved course of training;

28 (2) Approved course of training ~~shall mean~~ means any

1 degree or nondegree curriculum or course of study to be pursued on
2 at least a half-time basis for at least one academic year or the
3 equivalent thereof at an approved institution of higher learning
4 or, in the case of any veteran who has not received a high school
5 diploma or a certificate of high school equivalency at the time of
6 his or her discharge or release from active service, approved
7 course of training shall include such additional high school
8 training as he or she may need to qualify for admission to a
9 postsecondary curriculum or course of study or to obtain a high
10 school diploma to meet requirements for employment;

11 (3) Approved institution of higher learning ~~shall mean~~
12 means any state-supported community college, college, or university
13 in this state;

14 (4) Maker ~~shall mean~~ means any qualified veteran to whom
15 a loan is made under the provisions of sections 80-801 to 80-806;
16 and

17 (5) Principal ~~shall mean~~ means the total amount borrowed
18 under the provisions of sections 80-801 to 80-806.

19 Sec. 5. Original sections 48-225, 80-401.01, and 80-802,
20 Reissue Revised Statutes of Nebraska, and section 80-411, Revised
21 Statutes Supplement, 2000, are repealed.