

LEGISLATIVE BILL 368

Approved by the Governor May 25, 2001

Introduced by Dierks, 40

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Veteran of World War II ~~shall mean~~ means a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Korean War ~~shall mean~~ means a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its

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

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

(7) Veteran of Lebanon ~~shall mean~~ means a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

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

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

(10) Veteran of the Persian Gulf War ~~shall mean~~ means a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

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

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

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

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

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

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

(i) Died of a service-connected disability; ~~in World War I as defined in section 80-401.01;~~

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

~~(iii)~~ Died subsequent to discharge as a result of injury or illness sustained while a member of the armed forces which may or may not have resulted in total disability;

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

~~(v)~~ (iv) While a member of the armed forces of the United States, is classified as missing in action or as a prisoner of war during armed hostilities; ~~and after August 4, 1964; and~~

(c) If he or she is a child or stepchild of a person described in subdivision (1)(b) of this section, he or she is under the age of twenty-six years unless he or she serves on active duty with the armed forces after his

or her eighteenth birthday but before his or her twenty-sixth birthday, in which case such period shall end five years after his or her first discharge or release from such duty with the armed forces, but in no event shall such period be extended beyond the thirty-first birthday.

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

(3) If the director determines that the applicant is eligible for the waiver, the director shall so certify to the institution in which the applicant desires to enroll. The decision of the director shall, in the absence of fraud or misrepresentation on the part of the applicant, be final and shall be binding upon the applicant and upon the institutions specified in this section. The director shall adopt and promulgate reasonable rules and regulations for the administration of this section.

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

Sec. 4. Original sections 48-225 and 80-401.01, Reissue Revised Statutes of Nebraska, and section 80-411, Revised Statutes Supplement, 2000, are repealed.