

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 622

Introduced by Redfield, 12

Read first time January 19, 2005

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to adopt the In the
2 Line of Duty Dependent Education Act; to provide an
3 operative date; to provide severability; and to declare
4 an emergency.

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

1 Section 1. Sections 1 to 5 of this act shall be known
2 and may be cited as the In the Line of Duty Dependent Education
3 Act.

4 Sec. 2. The Legislature finds and declares that:

5 (1) Nebraska's law enforcement officers and firefighters
6 place their lives at risk in the line of duty to protect the
7 citizens and property of this state;

8 (2) The services performed by Nebraska law enforcement
9 officers and firefighters are necessary for the protection of the
10 citizens and property of this state;

11 (3) Nebraska law enforcement officers and firefighters
12 have lost or may lose their lives in the performance of their
13 official duties; and

14 (4) Nebraska law enforcement officers and firefighters
15 perform dangerous and hazardous acts in order to protect the
16 citizens and property of this state.

17 It is the intent of the Legislature to recognize the
18 ultimate sacrifice made by Nebraska law enforcement officers and
19 firefighters who are killed in the line of duty on or after the
20 effective date of this act by providing a postsecondary educational
21 benefit for their surviving children to attend state universities,
22 state colleges, and community colleges located in Nebraska.

23 Sec. 3. For purposes of the In the Line of Duty
24 Dependent Education Act:

25 (1) Associate degree program means a degree program at a
26 community college, state college, or state university which
27 typically requires completion of an organized program of study of
28 at least sixty semester credit hours or an equivalent that can be

1 shown to accomplish the same goal;

2 (2) Baccalaureate degree program means a degree program
3 at a community college, state college, or state university which
4 typically requires completion of an organized program of study of
5 at least one hundred twenty semester credit hours or an equivalent
6 that can be shown to accomplish the same goal;

7 (3) Child means a resident or nonresident of Nebraska who
8 is the child by birth or adoption of a Nebraska law enforcement
9 officer killed in the line of duty or a Nebraska firefighter killed
10 in the line of duty;

11 (4) Community college means a public postsecondary
12 educational institution which is part of the community college
13 system and includes all branches and campuses of such institution
14 located within the State of Nebraska;

15 (5) Education benefit means the In the Line of Duty
16 Dependent Education Benefit established under section 4 of this
17 act;

18 (6) Firefighter means a member of a paid or volunteer
19 fire department in Nebraska and includes a member of a rescue squad
20 associated with a paid or volunteer fire department in Nebraska or
21 a member of an emergency medical services ambulance squad;

22 (7) Law enforcement officer means any person who is
23 responsible for the prevention or detection of crime or the
24 enforcement of the penal, traffic, or highway laws of the State of
25 Nebraska or any political subdivision of the state for more than
26 one hundred hours per year and who is authorized by law to make
27 arrests and includes, but is not limited to: (a) A county sheriff;
28 (b) a full-time or part-time employee of a county sheriff's office;

1 and (c) a full-time or part-time employee of a city or village
2 police department;

3 (8) Line of duty means any action that a Nebraska law
4 enforcement officer or firefighter is authorized or obligated by
5 law, rule, or regulation to perform, related to or as a condition
6 of employment or service;

7 (9) State college means a public postsecondary
8 educational institution which is part of the Nebraska state college
9 system and includes all branches and campuses of such institution
10 located within the State of Nebraska;

11 (10) State university means a public postsecondary
12 educational institution which is part of the University of Nebraska
13 and includes all branches and campuses of such institution located
14 within the State of Nebraska;

15 (11) Tuition and fees means the charges and cost of
16 instate tuition and fees as set by the governing body of a state
17 university, state college, or community college; and

18 (12) Volunteer fire department means a volunteer
19 department as defined in section 35-1303 located in Nebraska which
20 provides fire protection services within Nebraska.

21 Sec. 4. (1) The In the Line of Duty Dependent Education
22 Benefit is established for children of law enforcement officers and
23 firefighters killed in the line of duty. In order for a child to
24 be eligible for the benefit, (a) the child shall not be receiving
25 benefits under any federal act which provides for payment of
26 tuition and fees for children of law enforcement officers or
27 firefighters killed in the line of duty and (b) the law enforcement
28 officer or firefighter must have been engaged in his or her

1 authorized law enforcement or fire suppression duties, including
2 arson investigation, when the fatal injury is incurred and the
3 fatal injury must be incurred on or after the effective date of
4 this act.

5 (2) Notwithstanding the provisions of this section, a
6 death that occurs as the direct and proximate result of a
7 preexisting physical condition, disease, or illness shall be
8 excluded from eligibility under this section.

9 (3) Any child who is (a) the child of a law enforcement
10 officer killed in the line of duty as provided in subsection (1) of
11 this section, or of a firefighter killed in the line of duty as
12 provided in such subsection and (b) not receiving benefits under a
13 federal act described in subdivision (1)(a) of this section shall
14 be eligible for the education benefit if the child is twenty-five
15 years of age or younger. An eligible child shall meet all
16 admission requirements of the state university, state college, or
17 community college to which he or she is applying.

18 (4) The education benefit shall be provided only for
19 full-time undergraduate students who are pursuing studies leading
20 to a degree from an associate degree program or a baccalaureate
21 degree program. The eligible child may receive the education
22 benefit for up to five years if he or she otherwise continues to be
23 eligible for participation. All education benefits received under
24 the In the Line of Duty Dependent Education Act shall cease when
25 the eligible child reaches twenty-six years of age.

26 (5) A child becomes eligible for the education benefit
27 after he or she has applied for federal and state grants to cover
28 tuition and fees. The child must provide a record of application

1 for such financial aid to the state university, state college, or
2 community college to which he or she is applying.

3 (6) The state university, state college, or community
4 college shall waive tuition and fees remaining due after
5 subtracting awarded scholarships and federal and state grants for
6 an eligible child during the time the child is enrolled as a
7 full-time student. In order for this subsection to apply, (a) the
8 child must meet all requirements for admission to the state
9 university, state college, or community college and (b) during
10 enrollment, the child must comply with all requirements of the
11 institution for continued attendance and award of an associate
12 degree or a baccalaureate degree.

13 (7) An application for an education benefit shall include
14 a certified copy of the eligible child's birth certificate or
15 applicable adoption record and verification of the death of the law
16 enforcement officer or firefighter who was the child's parent.

17 (8) Verification of the death of the law enforcement
18 officer or firefighter shall be made by obtaining a certificate of
19 eligibility from the following sources: (a) Certificates of
20 eligibility for the children of law enforcement officers shall be
21 obtained from the Superintendent of Law Enforcement and Public
22 Safety; and (b) certificates of eligibility for the children of
23 firefighters shall be obtained from the State Fire Marshal.

24 (9) Within forty-five days after receipt of a completed
25 application, the state university, state college, or community
26 college shall send written notice of the applicant's eligibility or
27 ineligibility for the education benefit. If the child is
28 determined not to be eligible for the benefit, the notice shall

1 include the reason or reasons for such determination and an
2 indication that an appeal of the determination may be made pursuant
3 to the Administrative Procedure Act.

4 (10) Upon a determination of eligibility for the child to
5 obtain the education benefit, the state university, state college,
6 or community college is prohibited from charging the child, the
7 child's surviving parent, or the child's guardian any tuition or
8 fees as long as the child meets the requirements of subsection (6)
9 of this section.

10 Sec. 5. Each state university, state college, or
11 community college shall adopt the procedures, rules, and
12 regulations necessary to carry out the In the Line of Duty
13 Dependent Education Act.

14 Sec. 6. This act becomes operative on July 1, 2005.

15 Sec. 7. If any section in this act or any part of any
16 section is declared invalid or unconstitutional, the declaration
17 shall not affect the validity or constitutionality of the remaining
18 portions.

19 Sec. 8. Since an emergency exists, this act takes effect
20 when passed and approved according to law.