

## LEGISLATIVE BILL 746

Approved by the Governor April 21, 2008

Introduced by Aguilar, 35.

FOR AN ACT relating to universities and colleges; to amend section 85-505, Reissue Revised Statutes of Nebraska, and section 85-505.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to tuition credits; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 85-505, Reissue Revised Statutes of Nebraska, is amended to read:

85-505 Any member of the Nebraska National Guard who enrolls in any state-supported university, college, or community college or any independent, not-for-profit, regionally accredited college or university in this state shall be entitled to a credit of seventy-five percent of the resident tuition charges of such school, except that any member who attends an independent, not-for-profit, regionally accredited college or university in this state shall receive a credit in an amount no higher than that person would receive if he or she attended the University of Nebraska-Lincoln. Such entitlement shall be for a period of ten years from the date of the member's initial membership so long as the member 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. If a member is unable to complete his or her course of study within the ten-year period due to deployment on federal or state active-duty status for not less than one hundred twenty days, the Adjutant General may extend the entitlement period for such member for a period equal to the period of such person's active-duty status, not to exceed a maximum of five years. During the extended entitlement period, the member shall maintain satisfactory performance with the guard and pursue his or her course of study in such institution which satisfies the usual requirements of such institution. Any member entitled to a credit of seventy-five percent of resident tuition charges and enrolled in the tuition credit program as of October 1, 1992, shall on and after May 27, 1999, be entitled to the credit at such rate until completion of the educational program in which he or she is enrolled on October 1, 1992, so long as the member 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. The number of individuals granted tuition credit shall not exceed the number specified in section 85-505.01 during any fiscal year, and the amount of tuition credits granted shall not exceed nine hundred thousand dollars 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. Section 85-505.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

(a) More than one thousand two hundred members during any fiscal year;

(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, as it existed on September 1, 2001; 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, as provided in section 85-505, 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 72-1601.

(5) 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 72-1601.

(6) 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. Original section 85-505, Reissue Revised Statutes of Nebraska, and section 85-505.01, Revised Statutes Cumulative Supplement, 2006, are repealed.