

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 206**

FINAL READING

Introduced by Nantkes, 46; Nordquist, 7; Howard, 9; Rogert, 16.

Read first time January 12, 2009

Committee: Education

A BILL

- 1 FOR AN ACT relating to postsecondary education; to adopt the In the
- 2 Line of Duty Dependent Education Act; and to declare an
- 3 emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 6 of this act shall be known and  
2 may be cited as the In the Line of Duty Dependent Education Act.

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

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

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

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

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

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

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

24          (1) Associate degree program means a degree program at  
25 a community college, state college, or state university which

1 typically requires completion of an organized program of study of  
2 at least sixty semester credit hours or an equivalent that can be  
3 shown to accomplish the same goal. Associate degree program does  
4 not include a baccalaureate degree program;

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

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

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

18 (5) Education benefit means the In the Line of Duty  
19 Dependent Education Benefit established under section 4 of this  
20 act;

21 (6) Fatal injury means an event occurring in the line of  
22 duty which is a proximate cause of the death of a law enforcement  
23 officer or firefighter;

24 (7) Firefighter means a member of a paid or volunteer  
25 fire department in Nebraska, including a member of a rescue squad

1 associated with a paid or volunteer fire department in Nebraska,  
2 and a member of an emergency medical services ambulance squad;

3 (8) Law enforcement officer means any person who is  
4 responsible for the prevention or detection of crime or the  
5 enforcement of the penal, traffic, or highway laws of the State of  
6 Nebraska or any political subdivision of the state for more than  
7 one hundred hours per year and who is authorized by law to make  
8 arrests;

9 (9) Line of duty means any action that a Nebraska law  
10 enforcement officer or firefighter is authorized or obligated by  
11 law, rule, or regulation to perform, related to or as a condition  
12 of employment or service;

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

17 (11) State university means a public postsecondary  
18 educational institution which is part of the University of Nebraska  
19 and includes all branches and campuses of such institution located  
20 within the State of Nebraska;

21 (12) Tuition and fees means the charges and cost of  
22 tuition and fees as set by the governing body of a state  
23 university, state college, or community college; and

24 (13) Volunteer fire department means a volunteer  
25 department as defined in section 35-1303 located in Nebraska which

1 provides fire protection services within Nebraska.

2           Sec. 4. (1) The In the Line of Duty Dependent Education  
3 Benefit is established for children of law enforcement officers  
4 and firefighters killed in the line of duty. In order for a child  
5 to be eligible for the benefit, the law enforcement officer or  
6 firefighter must have incurred the fatal injury on or after the  
7 effective date of this act.

8           (2) Notwithstanding the provisions of this section, a  
9 death that occurs as the direct and proximate result of a  
10 preexisting physical condition, disease, or illness shall be  
11 excluded from eligibility under this section unless the aggravation  
12 of such condition, disease, or illness caused by being in the line  
13 of duty was a direct and proximate cause of death.

14           (3) Any child who is the child of a law enforcement  
15 officer killed in the line of duty as provided in subsection (1)  
16 of this section or of a firefighter killed in the line of duty  
17 as provided in such subsection shall be eligible for the education  
18 benefit if the child is twenty-five years of age or younger. An  
19 eligible child shall meet all admission requirements of the state  
20 university, state college, or community college to which he or she  
21 is applying.

22           (4) The education benefit shall be provided only for  
23 full-time undergraduate students who are pursuing studies leading  
24 to a degree from an associate degree program or a baccalaureate  
25 degree program. The eligible child may receive the education

1 benefit for up to five years if he or she otherwise continues to be  
2 eligible for participation. All education benefits received under  
3 the In the Line of Duty Dependent Education Act shall cease when  
4 the eligible child reaches twenty-six years of age.

5 (5) A child becomes eligible for the education benefit  
6 after he or she has applied for federal financial aid grants and  
7 state scholarships and grants to cover tuition and fees. The child  
8 must provide a record of application for such financial aid to the  
9 state university, state college, or community college to which he  
10 or she is applying.

11 (6) The state university, state college, or community  
12 college shall waive tuition and fees remaining due after  
13 subtracting awarded federal financial aid grants and state  
14 scholarships and grants for an eligible child during the time the  
15 child is enrolled as a full-time student. To remain eligible,  
16 the child must comply with all requirements of the institution  
17 for continued attendance and award of an associate degree or a  
18 baccalaureate degree.

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

23 (8) Verification of the death of the law enforcement  
24 officer or firefighter shall be made by obtaining a certificate  
25 of eligibility from the following sources: (a) Certificates of

1 eligibility for the children of law enforcement officers shall  
2 be obtained from the Superintendent of Law Enforcement and  
3 Public Safety; (b) certificates of eligibility for the children  
4 of firefighters, except as provided in subdivision (c) of this  
5 subsection, shall be obtained from the State Fire Marshal; and  
6 (c) certificates of eligibility for the children of members of  
7 emergency medical services ambulance squads that are not associated  
8 with a paid or volunteer fire department shall be obtained from the  
9 Department of Health and Human Services.

10 (9) Within forty-five days after receipt of a completed  
11 application, the state university, state college, or community  
12 college shall send written notice of the applicant's eligibility or  
13 ineligibility for the education benefit. If the child is determined  
14 not to be eligible for the benefit, the notice shall include  
15 the reason or reasons for such determination and an indication  
16 that an appeal of the determination may be made pursuant to the  
17 Administrative Procedure Act.

18 (10) Upon a determination of eligibility for the child to  
19 obtain the education benefit, the state university, state college,  
20 or community college is prohibited from charging the child, the  
21 child's surviving parent, or the child's guardian any tuition or  
22 fees as long as the child remains eligible.

23 Sec. 5. Each state university, state college, or  
24 community college shall adopt the procedures, rules, and  
25 regulations necessary to carry out the In the Line of Duty

1 Dependent Education Act.

2           Sec. 6. A finding that a student qualifies for an  
3 education benefit pursuant to the In Line of Duty Dependent  
4 Education Act shall not be admissible as evidence for any other  
5 purpose.

6           Sec. 7. Since an emergency exists, this act takes effect  
7 when passed and approved according to law.