

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 206

Introduced by Nantkes, 46.

Read first time January 12, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to adopt the In
2 the 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 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 operative 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) Firefighter means a member of a paid or volunteer
22 fire department in Nebraska and includes a member of a rescue squad
23 associated with a paid or volunteer fire department in Nebraska or
24 a member of an emergency medical services ambulance squad;

25 (7) Law enforcement officer means any person who is

1 responsible for the prevention or detection of crime or the
2 enforcement of the penal, traffic, or highway laws of the State of
3 Nebraska or any political subdivision of the state for more than
4 one hundred hours per year and who is authorized by law to make
5 arrests and includes, but is not limited to: (a) A county sheriff;
6 (b) a full-time or part-time employee of a county sheriff's office;
7 and (c) a full-time or part-time employee of a city or village
8 police department;

9 (8) 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 (9) 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 (10) 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 (11) Tuition and fees means the charges and cost of
22 instate tuition and fees as set by the governing body of a state
23 university, state college, or community college; and

24 (12) 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
5 child to be eligible for the benefit, (a) the child shall not be
6 receiving benefits under any federal act which provides for payment
7 of tuition and fees for children of law enforcement officers or
8 firefighters killed in the line of duty and (b) the law enforcement
9 officer or firefighter must have been engaged in his or her
10 authorized law enforcement or fire suppression duties, including
11 arson investigation, when the fatal injury is incurred and the
12 fatal injury must be incurred on or after the operative date of
13 this act.

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

18 (3) Any child who is (a) the child of a law enforcement
19 officer killed in the line of duty as provided in subsection (1)
20 of this section, or of a firefighter killed in the line of duty as
21 provided in such subsection and (b) not receiving benefits under a
22 federal act described in subdivision (1)(a) of this section shall
23 be eligible for the education benefit if the child is twenty-five
24 years of age or younger. An eligible child shall meet all admission
25 requirements of the state university, state college, or community

1 college to which he or she is applying.

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

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

15 (6) The state university, state college, or community
16 college shall waive tuition and fees remaining due after
17 subtracting awarded scholarships and federal and state grants for
18 an eligible child during the time the child is enrolled as a
19 full-time student. In order for this subsection to apply, (a)
20 the child must meet all requirements for admission to the state
21 university, state college, or community college and (b) during
22 enrollment, the child must comply with all requirements of the
23 institution for continued attendance and award of an associate
24 degree or a baccalaureate degree.

25 (7) An application for an education benefit shall include

1 a certified copy of the eligible child's birth certificate or
2 applicable adoption record and verification of the death of the law
3 enforcement officer or firefighter who was the child's parent.

4 (8) Verification of the death of the law enforcement
5 officer or firefighter shall be made by obtaining a certificate
6 of eligibility from the following sources: (a) Certificates of
7 eligibility for the children of law enforcement officers shall
8 be obtained from the Superintendent of Law Enforcement and Public
9 Safety; and (b) certificates of eligibility for the children of
10 firefighters shall be obtained from the State Fire Marshal.

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

19 (10) Upon a determination of eligibility for the child to
20 obtain the education benefit, the state university, state college,
21 or community college is prohibited from charging the child, the
22 child's surviving parent, or the child's guardian any tuition or
23 fees as long as the child meets the requirements of subsection (6)
24 of this section.

25 Sec. 5. Each state university, state college, or

1 community college shall adopt the procedures, rules, and
2 regulations necessary to carry out the In the Line of Duty
3 Dependent Education Act.

4 Sec. 6. This act becomes operative on July 1, 2010.

5 Sec. 7. If any section in this act or any part of any
6 section is declared invalid or unconstitutional, the declaration
7 shall not affect the validity or constitutionality of the remaining
8 portions.

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