

## LEGISLATIVE BILL 206

Approved by the Governor April 22, 2009

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

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

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

Sec. 2. The Legislature finds and declares that:

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

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

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

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

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

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

(1) Associate degree program means a degree program at a community college, state college, or state university which typically requires completion of an organized program of study of at least sixty semester credit hours or an equivalent that can be shown to accomplish the same goal. Associate degree program does not include a baccalaureate degree program;

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

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

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

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

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

(7) Firefighter means a member of a paid or volunteer fire department in Nebraska, including a member of a rescue squad associated with a paid or volunteer fire department in Nebraska, and a member of an emergency medical services ambulance squad;

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

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

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

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

Nebraska;

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

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

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

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

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

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

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

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

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

(8) Verification of the death of the law enforcement officer or firefighter shall be made by obtaining a certificate of eligibility from the following sources: (a) Certificates of eligibility for the children of law enforcement officers shall be obtained from the Superintendent of Law Enforcement and Public Safety; (b) certificates of eligibility for the children of firefighters, except as provided in subdivision (c) of this subsection, shall be obtained from the State Fire Marshal; and (c) certificates of eligibility for the children of members of emergency medical services ambulance squads that are not associated with a paid or volunteer fire department shall be obtained from the Department of Health and Human Services.

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

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

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

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

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