

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1023

Introduced by Avery, 28.

Read first time January 17, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend section 80-411, Reissue
2 Revised Statutes of Nebraska; to provide for the waiver
3 of fees for dependents of veterans as prescribed; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 80-411, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 80-411 (1) The University of Nebraska, the state
4 colleges, and the community colleges shall waive all tuition on
5 behalf of a dependent of a veteran pursuant to this section. The
6 University of Nebraska, the state colleges, and the community
7 colleges shall also waive all fees remaining due after subtracting
8 awarded federal financial aid grants and state scholarships and
9 grants for such dependent of a veteran pursuant to this section. A
10 person shall be eligible for the waiver if he or she meets the
11 following requirements:

12 (a) He or she is a resident of this state and meets the
13 appropriate institution's requirements for establishing residency for
14 the purpose of paying instate tuition;

15 (b) He or she has a parent, stepparent, or spouse who was
16 a member of the armed forces of the United States and who:

17 (i) Died of a service-connected disability;

18 (ii) Died subsequent to discharge as a result of injury
19 or illness sustained while a member of the armed forces which may or
20 may not have resulted in total disability;

21 (iii) Is permanently and totally disabled as a result of
22 military service. Permanent and total disability does not include
23 total ratings or other temporary ratings except total ratings based
24 on individual unemployability if permanent; or

25 (iv) While a member of the armed forces of the United

1 States, is classified as missing in action or as a prisoner of war
2 during armed hostilities; and

3 (c) If he or she is a child or stepchild of a person
4 described in subdivision (1)(b) of this section, he or she is under
5 the age of twenty-six years unless he or she serves on active duty
6 with the armed forces after his or her eighteenth birthday but before
7 his or her twenty-sixth birthday, in which case such period shall end
8 five years after his or her first discharge or release from such duty
9 with the armed forces, but in no event shall such period be extended
10 beyond the thirty-first birthday.

11 (2) An application for a waiver shall be submitted
12 through one of the recognized veterans organizations or any county
13 service officer on a form to be prescribed by the Director of
14 Veterans' Affairs. The organization or county service officer shall
15 thoroughly investigate to determine if the applicant is eligible for
16 the waiver and transmit a recommendation for action on the
17 application to the director.

18 (3) If the director determines that the applicant is
19 eligible for the waiver, the director shall so certify to the
20 institution in which the applicant desires to enroll. The decision of
21 the director shall, in the absence of fraud or misrepresentation on
22 the part of the applicant, be final and shall be binding upon the
23 applicant and upon the institutions specified in this section. The
24 director shall adopt and promulgate reasonable rules and regulations
25 for the administration of this section.

1 (4) The waiver shall be valid for one degree, diploma, or
2 certificate from a community college and one baccalaureate degree.
3 Receipt of such degree, diploma, or certificate from a community
4 college shall precede receipt of such baccalaureate degree.

5 Sec. 2. Original section 80-411, Reissue Revised Statutes
6 of Nebraska, is repealed.