

LEGISLATIVE BILL 450

Approved by the Governor August 17, 2020

Introduced by Wishart, 27; Brewer, 43; Lowe, 37; Hunt, 8.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of Nebraska; to change tuition assistance program provisions for National Guard members, spouses, and children; to harmonize provisions; to provide an operative date; 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 one hundred seventy-five percent of the resident tuition charges of such school for a diploma, certificate, associate degree, or baccalaureate degree program or fifty percent of the resident tuition charges of such school for a graduate or professional degree program, 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 such member ~~that person~~ would receive if attending ~~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 a his or her ~~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 the his or her ~~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 be subject to all remaining conditions and limitations of the tuition assistance program prescribed in sections 85-505 to 85-508. 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, Reissue Revised Statutes of Nebraska, 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; and
- ~~(b) Any member who has a baccalaureate degree; and~~
- (b) (c) Any member who has not exhausted any available federal tuition assistance benefits available to him or her.

(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 baccalaureate degree under such tuition assistance program. Only credit-bearing courses which meet program degree requirements shall be approved for tuition assistance under sections 85-505 to 85-508. 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~~ is being received, 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. Section 85-506, Reissue Revised Statutes of Nebraska, is amended to read:

85-506 It shall be the responsibility of the individual member of the Nebraska National Guard to obtain a certificate from such member's ~~his or her~~ commanding officer attesting as to the ~~his or her~~ satisfactory guard performance of such member and to present the same to the educational institution in order to obtain tuition credit. Such certification shall be accomplished at the time of enrollment for each semester or academic term for which tuition credit is requested. Such certification shall include a signed agreement by the individual to serve in the National Guard for a minimum of three years from the date of certification.

Sec. 4. Section 85-507, Reissue Revised Statutes of Nebraska, is amended to read:

85-507 The spouse and children of any member of the Nebraska National Guard who dies while serving in the active service of the state shall be entitled to a credit of one hundred percent of the tuition charges in any state-supported university, college, or community college or any independent, not-for-profit, regionally accredited college or university in this state, except that any spouse or child 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 spouse or child would receive if attending ~~he or she attended~~ the University of Nebraska-Lincoln. Such tuition credit shall be for any undergraduate course of education not exceeding four years, except that no credit shall be granted to the spouse after the tenth anniversary of the member's death and no credit shall be granted to a child after such child's twenty-fifth birthday. All persons eligible for tuition credit under this section shall obtain a certificate of eligibility from the Adjutant General of the Nebraska National Guard and present such certificate to the educational institution.

Sec. 5. This act becomes operative on January 1, 2021.

Sec. 6. Original sections 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of Nebraska, are repealed.