

## LEGISLATIVE BILL 227

Approved by the Governor March 3, 1999

Introduced by Hilgert, 7

AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, and section 80-403, Revised Statutes Supplement, 1998; to change eligibility provisions for veterans relief and for waiver of tuition; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 80-403, Revised Statutes Supplement, 1998, is amended to read:

80-403. (1) All money disbursed through the Director of Veterans' Affairs shall be expended by him or her in furnishing food, shelter, fuel, wearing apparel, or medical or surgical aid, or in assisting with the funeral expenses of discharged veterans who come within one of the following classes:

(1) All described in subsection (2) or (3) of this section.

(2) Such aid shall be provided upon application to veterans as defined in section 80-401.03, their widows, widowers, spouses, and their children age eighteen or younger or until age twenty-three if attending school full time, and at any age if the child was permanently incapable of self-support at age eighteen (a) who may be in need of the same and (b) who shall have had five years of continuous residence in this state immediately preceding the date of application therefor;

(2) All veterans as defined in section 80-401.03 (a) who were residents of this state at the time of their entry into such military service, (b) who are legal residents of this state on the date of such application, and (c) (b) who may be in need of such aid. +

(3) The widows, widowers, spouses, and children age eighteen or younger or until age twenty-three if attending school full time, and at any age if the child was permanently incapable of self-support at age eighteen, of all such veterans who may be in need of such aid and who were (a) residents of this state at the time their spouse or parent, who was such a veteran, so entered such military service and from that time until the date of such application, (b) residents of Nebraska at the time of their birth and until the date of such application, or (c) married to such veterans, who were residents of this state when they entered such armed forces, and who then became residents of this state from that date, or shortly thereafter, and are such residents at the time of such application; and

(4) In cases in which an eligible veteran or widow or widower passes away dies leaving no next of kin eligible to apply for payment of expenses of last illness and burial, a recognized veterans organization may apply, on behalf of the deceased, for assistance in paying such expenses. All such payments shall be made by the director. There may be expended, for purposes other than those set forth in this section, such sum or sums as may be specifically appropriated by the Legislature for such purposes.

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

80-411. (1) The University of Nebraska, the state colleges, and the community colleges shall waive all tuition on behalf of a dependent of a veteran pursuant to this section. A person shall be eligible for the waiver if he or she meets the following requirements:

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

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

(i) Died of a service-connected disability in World War I as defined in section 80-401.01;

(ii) Died of a service-connected disability on December 7, 1941, or subsequently until such future date as determined by the Legislature;

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

(iv) Is permanently and totally disabled as a result of military service during such periods. Permanent and total disability does not include total ratings or other temporary ratings except total ratings based on individual unemployability if permanent; or

(v) While a member of the armed forces of the United States, is classified as missing in action or as a prisoner of war during armed hostilities after August 4, 1964; ~~7~~ and either (A) was a resident of this state at the time he or she entered the armed forces or (B) is a resident of or is married to a resident of this state at the time the applicant would attend a state educational institution under this section; and

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

~~Residence requirements for the waiver shall be the same as provided in section 80-403. Permanent and total disability shall not include total ratings or other temporary ratings but shall include total ratings based on individual unemployability if permanent.~~

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

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

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

Sec. 3. Original section 80-411, Reissue Revised Statutes of Nebraska, and section 80-403, Revised Statutes Supplement, 1998, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.