

LEGISLATIVE BILL 931

Approved by the Governor April 16, 1986

Introduced by Government, Military & Veterans Affairs
Committee, Landis, 46, Chairperson;
Withem, 14; Rogers, 41; Hoagland, 6;
Peterson, 21; Abboud, 12; Chambers, 11

AN ACT relating to the Nebraska National Guard; to amend sections 85-506, 85-507, and 85-508, Reissue Revised Statutes of Nebraska, 1943, and section 85-505, Revised Statutes Supplement, 1984; to change provisions relating to the tuition credit allowed National Guard members and their families as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 85-505, Revised Statutes Supplement, 1984, be amended to read as follows:

85-505. Any member of the Nebraska National Guard who shall enroll, on or after July 22, 1978 1, 1986, in any state-supported university, college, or technical community college shall be entitled to a credit of seventy-five per cent of the resident tuition charges of such school. Such entitlement shall be for a period of ten years from the date of the member's initial membership continuous so long as the member of the Nebraska National Guard maintains satisfactory performance with the guard and pursues his or her course of study in such institution in a manner which satisfies the normal requirements of the institution, except that the number of individuals granted such tuition credit shall not exceed the number of individuals granted such credits during the 1982-83 school year twelve hundred members 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. (1) The tuition assistance program prescribed in this section and sections 85-505 to 85-508

shall not be available to:

(a) More than twelve hundred members during any fiscal year;

(b) Commissioned and warrant officers who have a baccalaureate degree or are eligible for any other equivalent federal benefits; and

(c) Enlisted personnel entitled to any equivalent federal educational benefits, except that this subdivision shall not apply to personnel receiving assistance from the federal Educational Assistance Program for Members of the Selected Reserve.

(2) The tuition assistance program prescribed in this section and sections 85-505 to 85-508 shall be available to members of the Nebraska National Guard for a period of ten years from the date of initial membership.

(3) Any member of the Nebraska National Guard receiving tuition assistance under this section and sections 85-505 to 85-508 may obtain only one undergraduate degree under such tuition assistance program. Only credit-bearing courses which meet degree requirements shall be approved for tuition assistance. 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 tuition assistance, 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 77-2418.

(5) All non-prior service enlistees shall have completed basic military training and military occupational specialty or skill level training prior to being eligible for tuition assistance.

(6) 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 77-2418.

(7) 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 this section and sections 85-505 to 85-508.

Sec. 3. That section 85-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-506. It shall be the responsibility of the individual member of the Nebraska National Guard to obtain a certificate from his or her commanding officer attesting as to his or her satisfactory guard performance 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 ~~an~~ 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. That section 85-507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-507. The spouse and children of any ~~existed~~ 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 per cent of the tuition charges in any state-supported university, college, or technical community college in this state. 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, in the same manner as provided for regular members of the Nebraska National Guard under section 85-506.

Sec. 5. That section 85-508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-508. Upon receipt of a certificate described in section 85-506, ~~or 85-507~~, the educational institution shall endorse on the certificate the dollar amount of the tuition credit granted pursuant to ~~either~~ such section 85-506 ~~or 85-507~~, and return such certificate to the Nebraska National Guard ~~office~~ office issuing the certificate. The educational institution shall compile a record of the total dollar

amount of the tuition credits granted for the academic term. At the completion of the academic term, the institution shall submit the total amount of such credits together with a request for reimbursement of such amount to the National Guard. Upon receipt of the request, the National Guard shall reimburse the institution.

Sec. 6. That original sections 85-506, 85-507, and 85-508, Reissue Revised Statutes of Nebraska, 1943, and section 85-505, Revised Statutes Supplement, 1984, are repealed.