

## LEGISLATIVE BILL 74

Approved by the Governor May 4, 1993

Introduced by Withem, 14

AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to waiver of tuition at institutions of higher education for dependents of veterans; to change eligibility requirements for such dependents; to limit the validity of the waiver; and to repeal the original section.

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

Section 1. That section 80-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~80-411. All tuition shall be waived by the University of Nebraska, the state colleges, and the community colleges on behalf of any child, resident of this state, whose parent was a member of the armed forces of the United States and who died of a service connected disability in World War I as defined in section 80-401.01, or who died of a service connected disability on December 7, 1941, or subsequently until such future date as the Legislature shall determine or who 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. Such tuition shall similarly be waived on behalf of any child whose mother or father is totally disabled as a result of military service during such periods, or whose mother or father: (1) 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; and (2) 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 such person would attend such state educational institution under the provisions of this section. Application for such 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, which organization, or county service officer, shall thoroughly investigate to determine if the applicant is eligible for such waiver and transmit a recommendation for action thereon to the Director of Veterans' Affairs. Residence requirements for such waiver shall be the same as provided in section 80-403. If the Director of Veterans' Affairs determines that the applicant is eligible for such waiver, he or she shall so certify to the institution in which the applicant desires to enroll. The decision of the Director of Veterans' Affairs 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. Such waiver shall be valid only while the child is pursuing~~

~~a course of study leading to a baccalaureate degree or a diploma from any community college. The Director of Veterans' Affairs shall adopt reasonable rules and regulations for the administration of the provisions of this section. Such waiver of tuition shall be equally available to a spouse, widow, or widower of a veteran who meets the requirements set forth in this section as to the mother or father of an entitled child. For the purposes of this section, a person shall be a child until he or she reaches age twenty-six, unless the eligible person serves on 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. Child shall also include legally adopted children and stepchildren. (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;~~

~~(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; 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, 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 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. 2. That original section 80-411, Reissue Revised Statutes of Nebraska, 1943, is repealed.