

## LEGISLATIVE BILL 779

Approved by the Governor April 18, 2022

Introduced by Gragert, 40; Bostelman, 23; Brewer, 43; Wishart, 27; Blood, 3; Vargas, 7; Wayne, 13; Sanders, 45.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505.01, Revised Statutes Cumulative Supplement, 2020, and section 85-505, Revised Statutes Supplement, 2021; to eliminate an entitlement period relating to tuition assistance; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 85-505, Revised Statutes Supplement, 2021, 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, accredited college or university in this state shall be entitled to a credit of one hundred 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, accredited college or university in this state shall receive a credit in an amount no higher than such member would receive if attending the University of Nebraska-Lincoln. Such entitlement shall, subject to the requirements of sections 85-505 to 85-508, continue ~~be for as 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 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 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, Revised Statutes Cumulative Supplement, 2020, 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 not exhausted any available federal tuition assistance benefits.

~~(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.~~

~~(2) (3) Only credit-bearing courses which meet program requirements shall be approved for tuition assistance under sections 85-505 to 85-508. Members shall not receive tuition assistance for any noncredit courses.~~

~~(3) (4) If a member of the Nebraska National Guard voluntarily withdraws from a course for which tuition assistance 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.~~

~~(4) (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.~~

~~(5) (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. Original section 85-505.01, Revised Statutes Cumulative Supplement, 2020, and section 85-505, Revised Statutes Supplement, 2021, are repealed.