

LEGISLATIVE BILL 608

Approved by the Governor June 4, 2025

Introduced by Bostar, 29.

A BILL FOR AN ACT relating to first responders; to amend sections 85-2601, 85-2602, 85-2604, 85-2605, 85-2606, 85-2607, and 85-2608, Reissue Revised Statutes of Nebraska, and section 44-314, Revised Statutes Cumulative Supplement, 2024; to change the definition of professional firefighter for purposes of certain insurance protections; to include correctional officers, youth detention officers, certain eligible disabled persons and their children within the First Responder Recruitment and Retention Act; to require partial reimbursement for certain tuition waivers by the state; to provide duties for the Coordinating Commission for Postsecondary Education and postsecondary educational institutions; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-2603 and 85-2603.01, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 44-314, Revised Statutes Cumulative Supplement, 2024, is amended to read:

44-314 (1) Except as provided in subsection (2) of this section, an employer providing for an individual or family health insurance policy for a first responder employee shall not cancel such policy if the first responder suffers serious bodily injury from an event that occurs while the first responder is acting in the line of duty and that results in the first responder falling below the minimum number of working hours needed to maintain his or her regular individual or family health insurance.

(2) Subsection (1) of this section does not prohibit an employer from canceling such policy if the first responder:

(a) Voluntarily ceases to be employed with the employer; or

(b) Does not return to employment within twelve months after the date of injury.

(3) For a first responder who dies as a result of an event that occurs while the first responder is acting in the line of duty, the employer of such first responder shall not cancel any health insurance policy covering a spouse or dependent of such first responder for a period of at least twelve months following such death.

(4) For purposes of this section:

(a) Employer means any state or local governmental entity that employs a first responder;

(b) First responder means any law enforcement officer, professional firefighter, or paid individual licensed under a licensure classification in subdivision (1) of section 38-1217 who provides medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury;

(c) Law enforcement officer has the same meaning as in section 81-1401;

(d) Line of duty means any action that a first responder is authorized or obligated by law, rule, or regulation to perform, related to or as a condition of employment or service; and

(e) Professional firefighter means an individual who is a firefighter or firefighter-paramedic as a full-time career and who is a member of a paid fire department of any of the following entities within Nebraska:

(i) A municipality, including a municipality having a home rule charter or a municipal authority created pursuant to a home rule charter that has its own paid fire department;

(ii) A rural or suburban fire protection district; or

(iii) A fire service providing fire protection to federal or state military installations.

Sec. 2. Section 85-2601, Reissue Revised Statutes of Nebraska, is amended to read:

~~85-2601~~ Sections 2 to 18 of this act ~~85-2601 to 85-2608~~ shall be known and may be cited as the First Responder Recruitment and Retention Act.

Sec. 3. Section 85-2602, Reissue Revised Statutes of Nebraska, is amended to read:

~~85-2602~~ For purposes of the First Responder Recruitment and Retention Act:

(1) Associate degree program means a degree program at a community college, state college, or state university which typically requires completion of an organized program of study of at least sixty semester credit hours or an equivalent that can be shown to accomplish the same goal. Associate degree program does not include a baccalaureate degree program;

(2) Baccalaureate degree program means a degree program at a community college, state college, or state university which typically requires completion of an organized program of study of at least one hundred twenty semester credit hours or an equivalent that can be shown to accomplish the same goal;

(3) Community college means a public postsecondary educational institution which is part of the community college system and includes all branches and

campuses of such institution located within the State of Nebraska;

(4) Correctional officer means an individual who is employed full-time by a jail or by the Department of Correctional Services and who is responsible for the supervision, safety, and security of an adult correctional facility's population through daily direct contact and interactions with incarcerated individuals;

(5) Eligible disabled person means an individual who was employed as a first responder but who, due to injury or illness that resulted from or is connected to such employment, is no longer able to maintain employment as a first responder;

(6) First responder means a law enforcement officer, professional firefighter, correctional officer, or youth detention officer;

(7) (4) Law enforcement officer means any individual who is a law enforcement officer as defined in section 81-1401;

(8) (5) Legal dependent has the same meaning as it is used for purposes of the Free Application for Federal Student Aid;

(9) (6) Line of duty means any action that a first responder law enforcement officer or professional firefighter is authorized or obligated by law, rule, or regulation to perform, related to or as a condition of employment or service;

(10) (7) Professional firefighter means an individual who is a firefighter or firefighter-paramedic as a full-time career and who is a member of a paid fire department of any of the following entities within Nebraska:

(a) A municipality, including a municipality having a home rule charter or a municipal authority created pursuant to a home rule charter that has its own paid fire department;

(b) A rural or suburban fire protection district; or

(c) A fire service providing fire protection to federal or state military installations;

(11) Qualifying child means:

(a) A legal dependent; or

(b) A person who is a nondependent child of a first responder or an eligible disabled person and who is a legal dependent of another parent. To be considered a qualifying child under this subdivision, the maternity or paternity of the child shall be verified through a birth certificate or other means approved by the admission or financial aid office of the state university, state college, or community college;

(12) Qualifying degree means:

(a) For a law enforcement officer, a degree that relates to a career in law enforcement;

(b) For a professional firefighter, a degree that relates to a career in professional firefighting; and

(c) For a correctional officer or youth detention officer, a degree that relates to a career in corrections, youth detention, or law enforcement;

(13) (8) State college means a public postsecondary educational institution which is part of the Nebraska state college system and includes all branches and campuses of such institution located within the State of Nebraska;

(14) (9) State university means a public postsecondary educational institution which is part of the University of Nebraska and includes all branches and campuses of such institution located within the State of Nebraska; and

(15) Superior officer means:

(a) For a law enforcement officer, such officer's superior law enforcement officer;

(b) For a professional firefighter, the fire chief of such professional firefighter's fire department; and

(c) For a correctional officer or youth detention officer, such officer's superior;

(16) (10) Tuition means the charges and cost of tuition as set by the governing body of a state university, state college, or community college; and -

(17) Youth detention officer means an individual who is employed full-time by a juvenile detention facility, as defined in section 83-4,125, and who is responsible for the secure detention and treatment of a juvenile detention facility's population through daily direct contact and interactions with detained juveniles.

Sec. 4. (1) Except as provided in subsection (3) of this section, a first responder shall be entitled to a tuition waiver as provided in section 13 of this act from any state university, state college, or community college for an associate or baccalaureate degree program if the first responder:

(a) Satisfies the relevant requirements of section 5 of this act;

(b) Meets all admission requirements of the state university, state college, or community college;

(c) Pursues studies leading to a qualifying degree from an associate degree program or a baccalaureate degree program;

(d) Submits the certificate of verification required by subsection (2) of this section; and

(e) Files with the Department of Revenue documentation showing proof of employment as a first responder and proof of residence in Nebraska each year such first responder applies for and receives the tuition waiver.

(2) An application for the tuition waiver shall include a certificate of verification from the first responder's superior officer attesting to such first responder's satisfaction of section 5 of this act. The first responder

shall include the certificate of verification when applying to the state university, state college, or community college in order to obtain tuition waiver upon initial enrollment.

(3) For a first responder who is a correctional officer or a youth detention officer, the tuition waiver shall only be available beginning July 1, 2027, and shall only be available for attendance at a state university.

Sec. 5. In order for a first responder or a first responder's qualifying child to be eligible to receive a tuition waiver under section 13 of this act, the first responder must meet the following criteria:

(1) If the first responder is a law enforcement officer, such officer must possess a law enforcement officer certificate under sections 81-1401 to 81-1414.19. This subdivision shall not be satisfied if the Nebraska Police Standards Advisory Council has revoked or suspended such certificate or limited certificate under subdivision (6) of section 81-1403 and the Nebraska Commission on Law Enforcement and Criminal Justice has reviewed and approved such revocation or suspension;

(2) If the first responder is a firefighter, such firefighter must maintain satisfactory performance with such firefighter's fire department;

(3) If the first responder is a correctional officer, such officer must maintain satisfactory performance as a correctional officer; or

(4) If the first responder is a youth detention officer, such officer must maintain satisfactory performance as a youth detention officer.

Sec. 6. (1) Except as provided in subsection (3) of this section, an eligible disabled person shall be entitled to a tuition waiver as provided in section 13 of this act from any state university, state college, or community college for an associate or baccalaureate degree program if such person:

(a) Satisfies the relevant requirements of section 7 of this act;

(b) Meets all admission requirements of the state university, state college, or community college;

(c) Submits the certificate of verification required by subsection (2) of this section; and

(d) Files with the Department of Revenue documentation showing proof of status as an eligible disabled person and proof of residence in Nebraska each year such person applies for and receives the tuition waiver.

(2) An application for the tuition waiver shall include a certificate of verification from the applicant's former superior officer attesting to such applicant's satisfaction of section 7 of this act. The applicant shall include the certificate of verification when applying to the state university, state college, or community college in order to obtain tuition waiver upon initial enrollment.

(3) For an eligible disabled person who was a correctional officer or a youth detention officer, the tuition waiver shall only be available beginning July 1, 2027, and shall only be available for attendance at a state university.

Sec. 7. In order for an eligible disabled person or such person's qualifying child to be eligible to receive a tuition waiver under the First Responder Recruitment and Retention Act, the eligible disabled person must meet the following criteria:

(1) If the eligible disabled person was a law enforcement officer, such person possessed, at the time of becoming disabled, a law enforcement officer certificate under sections 81-1401 to 81-1414.19. This subdivision shall not be satisfied if the Nebraska Police Standards Advisory Council has revoked or suspended such certificate or limited certificate under subdivision (6) of section 81-1403 and the Nebraska Commission on Law Enforcement and Criminal Justice has reviewed and approved such revocation or suspension;

(2) If the eligible disabled person was a firefighter, such person maintained, at the time of becoming disabled, satisfactory performance with such firefighter's fire department;

(3) If the eligible disabled person was a correctional officer, such person maintained, at the time of becoming disabled, satisfactory performance as a correctional officer; or

(4) If the eligible disabled person was a youth detention officer, such person maintained, at the time of becoming disabled, satisfactory performance as a youth detention officer.

Sec. 8. A first responder or an eligible disabled person may receive a tuition waiver for up to five years if he or she otherwise continues to be eligible for participation under sections 4 to 7 of this act.

Sec. 9. (1) Except as provided in subsections (3) and (4) of this section, a qualifying child of a first responder who satisfies section 5 of this act or of an eligible disabled person who satisfies section 7 of this act shall be entitled to a tuition waiver as provided in section 13 of this act from any state university, state college, or community college for an associate or baccalaureate degree program if the qualifying child:

(a) Meets all admission requirements of the state university, state college, or community college;

(b) Executes an agreement in accordance with section 10 of this act;

(c) Has not previously earned a baccalaureate degree;

(d) Completes and submits to the United States Department of Education a Free Application for Federal Student Aid;

(e) Submits a document to the state university, state college, or community college confirming that the qualifying child has satisfied subdivision (1)(d) of this section. Such document shall be submitted in a form and manner as prescribed by the university, college, or community college;

(f) Submits the certificate of verification required by subsection (2) of

this section; and

(g) Files with the Department of Revenue documentation showing proof that, for each year in which the qualifying child applies for and receives the tuition waiver, the first responder or eligible disabled person through whom the qualifying child is claiming the tuition waiver:

(i) Is employed as a first responder or is an eligible disabled person, as applicable; and

(ii) Resides in Nebraska.

(2)(a) An application for the tuition waiver shall include a certificate of verification from:

(i) The first responder's superior officer attesting to such first responder's satisfaction of section 5 of this act; or

(ii) The eligible disabled person's former superior officer attesting to such person's satisfaction of section 7 of this act.

(b) The applicant shall include the certificate of verification when applying to the state university, state college, or community college in order to obtain a tuition waiver upon initial enrollment.

(3) The death of a first responder in the line of duty that occurs after submission of an application for a tuition waiver shall not disqualify such first responder's otherwise eligible qualifying child from receiving the tuition waiver. In such case:

(a) In lieu of submitting the certificate of verification provided for in subsection (2) of this section, the qualifying child shall submit a certificate of verification from the first responder's superior officer attesting that:

(i) At the time of such death, such first responder satisfied section 5 of this act; and

(ii) Such first responder died in the line of duty; and

(b) In lieu of making the filing required by subdivision (1)(g) of this section, the qualifying child shall file with the Department of Revenue documentation showing proof that, at the time of such death:

(i) Such first responder was employed as a first responder; and

(ii) Such first responder resided in Nebraska.

(4) For a qualifying child of a first responder who is a correctional officer or a youth detention officer or of an eligible disabled person who was a correctional officer or a youth detention officer, the tuition waiver shall only be available beginning July 1, 2027, and shall only be available for attendance at a state university.

Sec. 10. Section 85-2605, Reissue Revised Statutes of Nebraska, is amended to read:

~~85-2605~~ (1) Each qualifying child legal dependent who is a tuition waiver recipient under the First Responder Recruitment and Retention Act shall execute an agreement. Such agreement shall be exempt from the requirements of the State Procurement Act and shall include the following terms, as appropriate:

(a) The tuition waiver recipient agrees to reside within the State of Nebraska for a period of five years following the use of the tuition waiver;

(b) Each year during the five-year period following use of the tuition waiver the tuition waiver recipient agrees to file a tax return with the Department of Revenue to document that such recipient still resides in the State of Nebraska;

(c) If the tuition waiver recipient fails to annually file a tax return to prove residency in the State of Nebraska for the five-year period following the use of the tuition waiver or fails to remain a resident of Nebraska for the five-year period following the use of the tuition waiver, the tuition waiver recipient agrees to repay the community college, state college, or state university that such tuition waiver recipient attended the amount of tuition that was waived for such individual if the community college, state college, or state university requests such payment on the dates and in the amounts requested; and

(d) Any residency, filing, or payment obligation incurred by the tuition waiver recipient under the First Responder Recruitment and Retention Act is canceled in the event of the tuition waiver recipient's total and permanent disability or death.

(2) The five-year residency requirement begins to run after use of the first tuition waiver and:

(a) Completion of the five-year tuition waiver eligibility;

(b) Completion of an undergraduate degree at a state college or state university;

(c) Completion of a two-year degree at a community college and notification by the tuition waiver recipient to the Department of Revenue that such recipient does not intend to pursue an undergraduate degree or additional two-year degree using tuition waivers pursuant to the First Responder Recruitment and Retention Act; or

(d) Notification by the tuition waiver recipient to the Department of Revenue that such recipient does not plan to use additional tuition waivers pursuant to the First Responder Recruitment and Retention Act.

Sec. 11. A qualifying child may receive the tuition waiver under section 9 of this act for up to five years if the qualifying child continues to be eligible for participation. The five years of tuition waiver eligibility starts once the qualifying child applies for and receives the tuition waiver for the first time and is available to such qualifying child for the next consecutive five years.

Sec. 12. Within forty-five days after receipt of a completed application under section 4, 6, or 9 of this act, the state university, state college, or

community college shall send written notice of the applicant's eligibility or ineligibility for the tuition waiver. If the applicant is determined not to be eligible for the tuition waiver, the notice shall include the reason or reasons for such determination.

Sec. 13. A state university, state college, or community college that has granted a tuition waiver under the First Responder Recruitment and Retention Act shall waive one hundred percent of resident tuition charges remaining due after subtracting awarded federal financial aid grants and state scholarships and grants for the tuition waiver recipient during the time the recipient is enrolled. To remain eligible, such recipient must comply with all requirements of the institution for continued attendance and award of an associate degree or a baccalaureate degree.

Sec. 14. (1) Beginning July 1, 2028, subject to available appropriations, the Coordinating Commission for Postsecondary Education shall reimburse each state university for fifty percent of the tuition waivers for correctional officers, youth detention officers, eligible disabled persons that were formerly correctional officers and youth detention officers, and the qualifying children of such officers and persons granted in the preceding year by such state university.

(2) A state university shall request reimbursement by submitting documentation in a form and manner prescribed by the commission.

(3) If state appropriations are not sufficient to satisfy all of the claims filed during any year, then the commission shall prorate each state university's total reimbursement for that year in proportion to the remaining appropriation. Any reimbursement claims paid on a prorated basis shall not be refilled.

Sec. 15. Section 85-2604, Reissue Revised Statutes of Nebraska, is amended to read:

~~85-2604~~ Each state university, state college, or community college shall adopt and promulgate the procedures, rules, and regulations necessary to carry out the First Responder Recruitment and Retention Act.

Sec. 16. Section 85-2606, Reissue Revised Statutes of Nebraska, is amended to read:

~~85-2606~~ The Department of Revenue shall administer and enforce the First Responder Recruitment and Retention Act and may adopt and promulgate rules and regulations to carry out the First Responder Recruitment and Retention Act.

Sec. 17. Section 85-2607, Reissue Revised Statutes of Nebraska, is amended to read:

~~85-2607~~ On or before December 31 of each year, each state university, state college, and community college shall provide to the Department of Revenue a list of the qualifying children ~~legal dependents~~ who received a tuition waiver pursuant to the First Responder Recruitment and Retention Act during such year.

Sec. 18. Section 85-2608, Reissue Revised Statutes of Nebraska, is amended to read:

~~85-2608~~ (1) The Department of Revenue shall maintain a record of the qualifying children ~~legal dependents~~ who have received tuition waivers pursuant to the First Responder Recruitment and Retention Act.

(2) On or before each August 1, the department shall provide a report to each state university, state college, and community college indicating which tuition waiver recipients have failed to file a tax return with the department to document that such recipients still resided in the State of Nebraska during the preceding year.

Sec. 19. Original sections 85-2601, 85-2602, 85-2604, 85-2605, 85-2606, 85-2607, and 85-2608, Reissue Revised Statutes of Nebraska, and section 44-314, Revised Statutes Cumulative Supplement, 2024, are repealed.

Sec. 20. The following sections are outright repealed: Sections 85-2603 and 85-2603.01, Reissue Revised Statutes of Nebraska.