

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 779**

Introduced by Gragert, 40; Bostelman, 23; Brewer, 43; Wishart, 27.

Read first time January 05, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska National Guard; to amend
- 2 section 85-505.01, Revised Statutes Cumulative Supplement, 2020, and
- 3 section 85-505, Revised Statutes Supplement, 2021; to eliminate an
- 4 entitlement period relating to tuition assistance; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-505, Revised Statutes Supplement, 2021, is  
2 amended to read:

3 85-505 Any member of the Nebraska National Guard who enrolls in any  
4 state-supported university, college, or community college or any  
5 independent, not-for-profit, accredited college or university in this  
6 state shall be entitled to a credit of one hundred percent of the  
7 resident tuition charges of such school for a diploma, certificate,  
8 associate degree, or baccalaureate degree program or fifty percent of the  
9 resident tuition charges of such school for a graduate or professional  
10 degree program, except that any member who attends an independent, not-  
11 for-profit, accredited college or university in this state shall receive  
12 a credit in an amount no higher than such member would receive if  
13 attending the University of Nebraska-Lincoln. Such entitlement shall,  
14 subject to the requirements of sections 85-505 to 85-508, continue ~~be~~ for  
15 as a period of ten years from the date of the member's initial membership  
16 ~~so~~ long as the member maintains satisfactory performance with the guard  
17 and pursues a course of study in such institution in a manner which  
18 satisfies the normal requirements of the institution. ~~If a member is~~  
19 ~~unable to complete the course of study within the ten-year period due to~~  
20 ~~deployment on federal or state active-duty status for not less than one~~  
21 ~~hundred twenty days, the Adjutant General may extend the entitlement~~  
22 ~~period for such member for a period equal to the period of such person's~~  
23 ~~active-duty status, not to exceed a maximum of five years. During the~~  
24 ~~extended entitlement period, the member shall be subject to all remaining~~  
25 ~~conditions and limitations of the tuition assistance program prescribed~~  
26 ~~in sections 85-505 to 85-508.~~ The number of individuals granted tuition  
27 credit shall not exceed the number specified in section 85-505.01 during  
28 any fiscal year, and the amount of tuition credits granted shall not  
29 exceed nine hundred thousand dollars during any fiscal year. When  
30 determining to whom such tuition credit shall be awarded, priority shall  
31 be given to those individuals who have previously received tuition

1 credits while a National Guard member, and the Nebraska National Guard  
2 shall apply those program qualifications and limitations consistent with  
3 efficient and effective program management as determined by the Adjutant  
4 General.

5 Sec. 2. Section 85-505.01, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 85-505.01 (1) The tuition assistance program prescribed in sections  
8 85-505 to 85-508 shall not be available to:

9 (a) More than one thousand two hundred members during any fiscal  
10 year; and

11 (b) Any member who has not exhausted any available federal tuition  
12 assistance benefits.

13 ~~(2) The tuition assistance program prescribed in sections 85-505 to~~  
14 ~~85-508 shall be available to members of the Nebraska National Guard for a~~  
15 ~~period of ten years, as provided in section 85-505, from the date of~~  
16 ~~initial membership.~~

17 (2) ~~(3)~~ Only credit-bearing courses which meet program requirements  
18 shall be approved for tuition assistance under sections 85-505 to 85-508.  
19 Members shall not receive tuition assistance for any noncredit courses.

20 (3) ~~(4)~~ If a member of the Nebraska National Guard voluntarily  
21 withdraws from a course for which tuition assistance is being received,  
22 the member shall be liable for all costs relating to such withdrawal,  
23 including, but not limited to, all of the costs billed by the educational  
24 institution to the Nebraska National Guard. Reimbursement shall be in  
25 accordance with section 72-1601.

26 (4) ~~(5)~~ Any member of the Nebraska National Guard who receives  
27 tuition assistance shall agree in writing to serve in the Nebraska  
28 National Guard for three years after the completion of the courses for  
29 which tuition assistance was given. Any member who receives tuition  
30 assistance may be asked to reimburse the State of Nebraska if any such  
31 member leaves the Nebraska National Guard during such three-year period.

1 Reimbursement shall be in accordance with section 72-1601.

2       (5) ~~(6)~~ The Military Department shall retain the responsibility and  
3 authority to establish any limitations and controls it deems necessary to  
4 ensure maximum fiscal efficiency and productivity of the tuition  
5 assistance program prescribed in sections 85-505 to 85-508.

6       Sec. 3. Original section 85-505.01, Revised Statutes Cumulative  
7 Supplement, 2020, and section 85-505, Revised Statutes Supplement, 2021,  
8 are repealed.