

LEGISLATIVE BILL 669

Approved by the Governor May 21, 2021

Introduced by Vargas, 7; Aguilar, 35; Blood, 3; Dorn, 30; Flood, 19; Hansen, B., 16; Lathrop, 12; Lindstrom, 18; McKinney, 11; Wayne, 13.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Revised Statutes Cumulative Supplement, 2020; to adopt the Veteran Promise Act; to change requirements for veterans and their spouses and dependents to qualify as resident students; to repeal the original section; and to declare an emergency.

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

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Veteran Promise Act.

Sec. 2. For purposes of the Veteran Promise Act:

(1) Eligible military student means a student who:

(a) Graduated from a Nebraska high school on or after January 1, 2022;

(b) Signed enlistment papers to serve in a uniformed service; and

(c)(i) At the time of application is serving in such uniformed service under a six-year obligation; or

(ii) Has served at least two years of active duty in such uniformed service and at the time of application is serving in such uniformed service or another uniformed service;

(2) Eligible veteran student means a student who:

(a)(i) Graduated from a Nebraska high school on or after January 1, 2002;

or

(ii) Graduated from a high school in another state on or after January 1, 2002, and served in a uniformed service while assigned to a location in this state;

(b) Signed enlistment papers to serve in a uniformed service; and

(c) Received either an honorable discharge or a general discharge under honorable conditions from a uniformed service; and

(3) Uniformed service means an active or reserve component of:

(a) The Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine, or Space Force of the United States;

(b) The Commissioned Officer Corps of the National Oceanic and Atmospheric Administration or of the Public Health Service of the United States; or

(c) The Nebraska National Guard.

Sec. 3. (1) Each public postsecondary institution in this state shall, upon application, automatically accept any eligible military student or eligible veteran student who otherwise meets the admissions requirements for such postsecondary institution to enroll as an undergraduate student in virtual and in-person courses and programs.

(2) Except with regard to the acceptance of eligible military students and eligible veteran students as provided in subsection (1) of this section, nothing in the Veteran Promise Act shall be construed to change any policy or practice of any public postsecondary institution in this state, including any additional criteria or prioritization for capped enrollment academic programs.

Sec. 4. Each public postsecondary institution in this state shall make information about the Veteran Promise Act available on its official web site and electronically submit an annual report to the Clerk of the Legislature on or before December 31, 2022, and on or before December 31 of each year thereafter. Such annual report shall detail the number of applicants under the act, the number of eligible military students and the number of eligible veteran students who are enrolled under the act, the amount of any application fees waived for applicants under the act, and any additional support, service, or assistance that is provided to participating eligible military students and eligible veteran students under the act.

Sec. 5. The Veteran Promise Act shall be construed in a manner consistent with federal law, including, but not limited to, the United States Department of Defense Tuition Assistance Program and with any Voluntary Education Partnership Memorandum of Understanding entered into by a public postsecondary institution and the United States Department of Defense.

Sec. 6. Section 85-502.01, Revised Statutes Cumulative Supplement, 2020, is amended to read:

85-502.01 (1) A person who enrolls in a public college or university in this state and who is (a) a veteran as defined in Title 38 of the United States Code and was discharged or released from a period of not fewer than ninety days of service in the active military, naval, or air service less than three years before the date of initial enrollment, (b) a spouse or dependent of such a veteran, (c) an eligible recipient entitled to educational assistance as provided in 38 U.S.C. 3319 while the transferor is on active duty in the uniformed services or as provided in 38 U.S.C. 3311(b)(9), as such sections existed on January 1, 2019, or (d) entitled to rehabilitation pursuant to 38 U.S.C. 3102(a), as such section existed on January 1, 2019, shall be considered a resident student notwithstanding the provisions of section 85-502 if the person is registered to vote in Nebraska and demonstrates objective evidence of

intent to be a resident of Nebraska, except that a person who is under eighteen years of age is not required to register to vote in Nebraska.

(2) For purposes of this section, objective evidence of intent to be a resident of Nebraska includes a Nebraska driver's license, a Nebraska state identification card, a Nebraska motor vehicle registration, or documentation that the individual is registered to vote in Nebraska.

Sec. 7. Original section 85-502.01, Revised Statutes Cumulative Supplement, 2020, is repealed.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.