

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1093

Introduced by Bostar, 29.

Read first time January 09, 2024

Committee:

1 A BILL FOR AN ACT relating to first responders; to amend sections
2 81-1401, 81-1403, and 81-1414, Revised Statutes Cumulative
3 Supplement, 2022, and sections 85-2601, 85-2602, 85-2603,
4 85-2603.01, and 85-2605, Revised Statutes Supplement, 2023; to
5 provide for limited law enforcement officer certificates for
6 federally trained investigators employed by state agencies; to
7 change eligibility requirements under the First Responder
8 Recruitment and Retention Act; to provide duties for public
9 postsecondary institutions and the Department of Revenue; to define
10 and redefine terms; to harmonize provisions; and to repeal the
11 original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1401, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
4 context otherwise requires:

5 (1) Class I railroad means a rail carrier classified as Class I
6 pursuant to 49 C.F.R. part 1201 1-1;

7 (2) Commission means the Nebraska Commission on Law Enforcement and
8 Criminal Justice;

9 (3) Council means the Nebraska Police Standards Advisory Council;

10 (4) Director means the director of the Nebraska Law Enforcement
11 Training Center;

12 (5) Felony means a crime punishable by imprisonment for a term of
13 more than one year or a crime committed outside of Nebraska which would
14 be punishable by imprisonment for a term of more than one year if
15 committed in Nebraska;

16 (6) Handgun means any firearm with a barrel less than sixteen inches
17 in length or any firearm designed to be held and fired by the use of a
18 single hand;

19 (7) Law enforcement agency means the police department or the town
20 marshal in incorporated municipalities, the office of sheriff in
21 unincorporated areas, the Nebraska State Patrol, and Class I railroad
22 police departments;

23 (8)(a) Law enforcement officer means any person who has successfully
24 completed an entry-level law enforcement certification from a training
25 academy and who is responsible for the prevention or detection of crime
26 or the enforcement of the penal, traffic, or highway laws of the state or
27 any political subdivision of the state for more than one hundred hours
28 per year and is authorized by law to make arrests and includes, but is
29 not limited to:

30 (i) A full-time or part-time member of the Nebraska State Patrol;

31 (ii) A county sheriff;

1 (iii) A full-time or part-time employee of a county sheriff's
2 office;

3 (iv) A full-time or part-time employee of a municipal or village
4 police agency;

5 (v) A full-time or part-time Game and Parks Commission conservation
6 officer;

7 (vi) A full-time or part-time deputy state sheriff;

8 (vii) A full-time employee of an organized and paid fire department
9 of any city of the metropolitan class who is an authorized arson
10 investigator and whose duties consist of determining the cause, origin,
11 and circumstances of fires or explosions while on duty in the course of
12 an investigation;

13 (viii) A member of a law enforcement reserve force appointed in
14 accordance with section 81-1438; or

15 (ix) A full-time Class I railroad police officer;

16 (b) Law enforcement officer includes a noncertified conditional
17 officer;

18 (c) Law enforcement officer includes an investigator holding a
19 limited certificate under subdivision (2)(d) of section 81-1414;

20 (d) {e} Law enforcement officer does not include employees of the
21 Department of Correctional Services, probation officers under the
22 Nebraska Probation System, parole officers appointed by the Director of
23 Supervision and Services of the Division of Parole Supervision, or
24 employees of the Department of Revenue under section 77-366; and

25 (e) {d} Except for a noncertified conditional officer, a law
26 enforcement officer shall possess a valid law enforcement officer
27 certificate or diploma, as established by the council, in order to be
28 vested with the authority of this section;

29 (9) Misdemeanor crime of domestic violence has the same meaning as
30 in section 28-1206;

31 (10) Noncertified conditional officer means a person appointed

1 pursuant to subsection (6) of section 81-1414;

2 (11) Serious misconduct means improper or illegal actions taken by a
3 law enforcement officer that have a rational connection with the person's
4 fitness or capacity to serve as a law enforcement officer and includes,
5 but is not limited to:

6 (a) Conviction of a felony or misdemeanor crime of domestic
7 violence;

8 (b) Fabrication of evidence;

9 (c) Repeated substantiated allegations of the use of excessive
10 force;

11 (d) Acceptance of a bribe;

12 (e) Commission of fraud or perjury; or

13 (f) Sexual assault;

14 (12) Training academy means:

15 (a) The training center; or

16 (b) Another council-approved law enforcement training facility
17 which:

18 (i) Offers certification training that meets or exceeds the
19 certification training curriculum of the training center; and

20 (ii) Is operated and maintained by a law enforcement agency or by
21 multiple law enforcement agencies pursuant to the Interlocal Cooperation
22 Act.

23 (13) Training center means the Nebraska Law Enforcement Training
24 Center; and

25 (14) Training school means a public or private institution of higher
26 education, including the University of Nebraska, the Nebraska state
27 colleges, and the community colleges of this state, that offers training
28 in a council-approved pre-certification course.

29 Sec. 2. Section 81-1403, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 81-1403 Subject to review and approval by the commission, the

1 council shall:

2 (1) Adopt and promulgate rules and regulations for law enforcement
3 pre-certification, certification, limited certification as described in
4 subdivision (2)(d) of section 81-1414, continuing education, and training
5 requirements. Such rules and regulations may include the authority to
6 impose a fine on any individual, political subdivision, or agency who or
7 which violates sections 81-1401 to 81-1414.19 or any rules and
8 regulations adopted and promulgated thereunder. The fine for each
9 separate violation of such sections or of any such rule or regulation
10 shall not exceed either (a) a one-time maximum fine of five hundred
11 dollars or (b) a maximum fine of one hundred dollars per day until the
12 individual, political subdivision, or agency complies with such rules or
13 regulations;

14 (2) Adopt and promulgate rules and regulations for the operation of
15 the training center;

16 (3) Recommend to the executive director of the commission the names
17 of persons to be appointed to the position of director of the training
18 center;

19 (4) Establish requirements for satisfactory completion of pre-
20 certification programs, certification programs, and advanced training
21 programs;

22 (5) Issue certificates or diplomas attesting satisfactory completion
23 of pre-certification programs, certification programs, and advanced
24 training programs;

25 (6) Revoke or suspend such certificates or diplomas according to
26 rules and regulations adopted and promulgated by the council pursuant to
27 sections 81-1401 to 81-1414.19 for reasons which shall include, but not
28 be limited to:

29 (a) Final conviction of or pleading guilty or nolo contendere to a:

30 (i) Felony violation of state or federal law;

31 (ii) Misdemeanor crime of domestic violence; or

1 (iii) Misdemeanor violation of state or federal law, if the
2 violation has a rational connection with the officer's fitness or
3 capacity to serve as a law enforcement officer;

4 (b) Serious misconduct; or

5 (c) A violation of the officer's oath of office, code of ethics, or
6 statutory duties;

7 (7) The council shall adopt and promulgate rules and regulations
8 that:

9 (a) Provide for the revocation of a certificate or diploma without a
10 hearing upon the certificate or diploma holder's final conviction of or
11 pleading guilty or nolo contendere to a felony or misdemeanor described
12 in subdivision (6) of this section; and

13 (b) Include a procedure for hearing appeals of any person who feels
14 that the revocation or suspension of his or her certificate or diploma
15 was in error;

16 (8) Set the tuition and fees for the training center and all
17 officers of other training academies not employed by that training
18 academy's agency. The tuition and fees set for the training center
19 pursuant to this subdivision shall be adjusted annually pursuant to the
20 training center budget approved by the Legislature. All other tuition and
21 fees shall be set in order to cover the costs of administering sections
22 81-1401 to 81-1414.19. All tuition and fees shall be remitted to the
23 State Treasurer for credit to the Nebraska Law Enforcement Training
24 Center Cash Fund;

25 (9) Annually certify any training academies providing a basic course
26 of law enforcement training which complies with the qualifications and
27 standards promulgated by the council and offering training that meets or
28 exceeds training that is offered by the training center. The council
29 shall set the maximum and minimum applicant enrollment figures for
30 training academies training non-agency officers;

31 (10) Extend the programs of the training center throughout the state

1 on a regional basis;

2 (11) Establish the qualifications, standards, and continuing
3 education requirements and provide the training required by section
4 81-1439; and

5 (12) Do all things necessary to carry out the purpose of the
6 training center, except that functional authority for budget and
7 personnel matters shall remain with the commission.

8 Any administrative fine imposed under this section shall constitute
9 a debt to the State of Nebraska which may be collected by lien
10 foreclosure or sued for and recovered in any proper form of action by the
11 office of the Attorney General in the name of the State of Nebraska in
12 the district court of the county where the final agency action was taken.
13 All fines imposed by the council shall be remitted to the State Treasurer
14 for distribution in accordance with Article VII, section 5, of the
15 Constitution of Nebraska.

16 Sec. 3. Section 81-1414, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 81-1414 (1) On and after January 1, 1972, law enforcement officers
19 already serving under permanent appointment shall not be required to meet
20 any requirement of subsection (2) of this section as a condition of
21 tenure or continued employment.

22 (2) Except as provided in subsection (6) of this section, on and
23 after January 1, 1972, no person shall receive appointment as a law
24 enforcement officer unless such person:

25 (a) Has been awarded a certificate or diploma by the commission
26 attesting to satisfactory completion of the minimum curriculum of the
27 training center as established by the council;

28 (b) Has been awarded a certificate or diploma attesting to
29 satisfactory completion of a training program approved by the council as
30 equivalent to the curriculum in subdivision (2)(a) of this section;~~or~~

31 (c) Is certified as a law enforcement officer in another state and

1 has successfully completed the requirements of a reciprocity program and
2 been approved as provided in section 81-1414.13; or -

3 (d)(i) Is employed as an investigator with a state agency and has
4 been awarded a limited certificate by the commission attesting to the
5 council's finding that the person:

6 (A) Has graduated from a federal training program in criminal
7 investigations;

8 (B) Holds a certification attesting to such status;

9 (C) Has been employed in a position related to criminal
10 investigations;

11 (D) Has attained the necessary training in particular areas of the
12 curriculum in subdivision (2)(a) of this section to fulfill the duties of
13 an investigator employed by a state agency; and

14 (E) Meets the admission criteria described in subsection (2) of
15 section 81-1410.

16 (ii) The limited certificate shall identify the state agency which
17 employs such person as an investigator.

18 (iii) A person who has been awarded a limited certificate shall only
19 be eligible to be appointed as a state deputy sheriff. The authority of
20 such person to act as a law enforcement officer shall be restricted to
21 such person's employment with the specific state agency identified on the
22 limited certificate and shall remain effective only as long as such
23 person remains employed with that agency.

24 (3) The council shall deem the successful completion of the federal
25 Bureau of Indian Affairs basic police training program as administered by
26 the Federal Law Enforcement Training Center to constitute equivalent
27 training under subdivision (2)(b) of this section, and officers certified
28 by virtue of such equivalent training may exercise full law enforcement
29 authority exclusively on tribal lands.

30 (4) Law enforcement officers who are promoted in rank shall
31 satisfactorily complete such council-approved training within one year of

1 such promotion.

2 (5) At the direction of the council, the director shall issue a
3 certificate or diploma attesting to a compliance with the requirements of
4 subsection (2), (3), or (4) of this section to any applicant who presents
5 evidence of satisfactory completion of a council-approved training
6 program.

7 (6)(a) A person who has not been awarded such a certificate or
8 diploma may receive an appointment as a noncertified conditional officer
9 subject to the provisions and requirements of this subsection.

10 (b) A noncertified conditional officer shall meet all requirements
11 for admission to the training center and shall immediately apply for
12 admission to the training center and enroll in the next available basic
13 training class.

14 (c) A noncertified conditional officer may interact with the public
15 and carry a firearm only after completion of the following training:

16 (i) Twenty-four hours of use of force training, including defensive
17 tactics, arrest control, handcuffing, pat down, and complete searches;

18 (ii) Sixteen hours of firearms training and passing the minimum
19 requirements for the handgun qualification course as provided in section
20 81-1412.01;

21 (iii) Twelve hours of arrest and search and seizure training with
22 Fourth Amendment and Fifth Amendment training;

23 (iv) Eight hours of de-escalation training;

24 (v) Eight hours of mental health crisis training;

25 (vi) Eight hours of anti-bias and implicit bias training; and

26 (vii) Four hours of substance abuse training.

27 (d) The head of the law enforcement agency employing a noncertified
28 conditional officer shall validate the completion of the training
29 required under subdivision (6)(c) of this section to the council and the
30 director of the training center.

31 (e) A noncertified conditional officer shall not interact with the

1 public unless such officer is under the direct supervision of a field
2 training officer approved by the law enforcement agency employing such
3 noncertified conditional officer.

4 (f) A noncertified conditional officer shall not, without direct
5 guidance and authorization from an approved field training officer:

6 (i) Ride in a marked police cruiser;

7 (ii) Make arrests;

8 (iii) Interview suspects, victims, or witnesses; or

9 (iv) Carry out any other law enforcement function.

10 (g) A noncertified conditional officer may be employed for a period
11 not to exceed sixteen consecutive weeks. The council may extend such
12 period as follows:

13 (i) Upon application by a noncertified conditional officer, the
14 council may grant an extension not to exceed two consecutive weeks for
15 good cause shown; and

16 (ii) The council shall grant an extension not to exceed sixteen
17 consecutive weeks upon finding:

18 (A) That the noncertified conditional officer immediately applied
19 for admission to the training center upon appointment under this
20 subsection;

21 (B) That the training center denied the officer's enrollment in the
22 next basic training class due to class size limitations or another reason
23 that was not the fault of the officer;

24 (C) That the officer is enrolled in the next available basic
25 training class; and

26 (D) That such extension would not be contrary to the requirements,
27 limitations, or intent of this subsection.

28 (h) Failure to follow the requirements and restrictions of this
29 subsection shall be considered a violation of the law and neglect of
30 duty.

31 (i) The council may adopt and promulgate rules and regulations as

1 necessary to carry out this subsection, including, but not limited to,
2 rules and regulations permitting the virtual or online completion of
3 required training and minimum standards and qualifications for field
4 training officers. Prior to the expiration of ninety days after any such
5 rules and regulations adopted become effective, any certified law
6 enforcement officer with not less than three years of experience may
7 serve as a field training officer.

8 Sec. 4. Section 85-2601, Revised Statutes Supplement, 2023, is
9 amended to read:

10 85-2601 Sections 85-2601 to 85-2606 and sections 9 and 10 of this
11 act shall be known and may be cited as the First Responder Recruitment
12 and Retention Act.

13 Sec. 5. Section 85-2602, Revised Statutes Supplement, 2023, is
14 amended to read:

15 85-2602 For purposes of the First Responder Recruitment and
16 Retention Act:

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

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

28 (3) Community college means a public postsecondary educational
29 institution which is part of the community college system and includes
30 all branches and campuses of such institution located within the State of
31 Nebraska;

1 (4) Law enforcement officer has the same meaning as in section
2 81-1401; ~~means any person who is responsible for the prevention or~~
3 ~~detection of crime or the enforcement of the penal, traffic, or highway~~
4 ~~laws of the State of Nebraska or any political subdivision of the state~~
5 ~~for more than one hundred hours per year and who is authorized by law to~~
6 ~~make arrests;~~

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

9 ~~(5) Law enforcement agency means a police department in a~~
10 ~~municipality, a sheriff's office, and the Nebraska State Patrol;~~

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

15 (a) A a municipality or a rural or suburban fire protection district
16 in this state, including a municipality having a home rule charter or a
17 municipal authority created pursuant to a home rule charter that has its
18 own paid fire department; 7

19 (b) A rural or suburban fire protection district; or and for whom
20 firefighting is a full-time career;

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

23 (7) State college means a public postsecondary educational
24 institution which is part of the Nebraska state college system and
25 includes all branches and campuses of such institution located within the
26 State of Nebraska;

27 (8) State university means a public postsecondary educational
28 institution which is part of the University of Nebraska and includes all
29 branches and campuses of such institution located within the State of
30 Nebraska; and

31 (9) Tuition means the charges and cost of tuition as set by the

1 governing body of a state university, state college, or community
2 college.

3 Sec. 6. Section 85-2603, Revised Statutes Supplement, 2023, is
4 amended to read:

5 85-2603 (1)(a) (1) A law enforcement officer shall be entitled to a
6 waiver of one hundred percent of the resident tuition charges of any
7 state university, state college, or community college if the officer:

8 ~~(a) Maintains satisfactory performance with his or her law~~
9 ~~enforcement agency;~~

10 (i) Possesses a law enforcement officer certificate or limited
11 certificate under sections 81-1401 to 81-1414.19 which is not in a
12 suspended or locked status;

13 (ii) Is not identified in a formal complaint before the Nebraska
14 Police Standards Advisory Council for an allegation of misconduct or
15 violation of the officer's code of ethics;

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

18 (iv) (c) Pursues studies leading to a degree that relates to a
19 career in law enforcement from an associate degree program or a
20 baccalaureate degree program; ~~and~~

21 (v) Submits the certificate of verification required by subsection
22 (4) of this section; and

23 (vi) Files (d) For an officer applying for a waiver after September
24 2, 2023, files with the Department of Revenue documentation showing proof
25 of employment as a law enforcement officer and proof of residence in
26 Nebraska each year such officer or such officer's legal dependent applies
27 for and receives the tuition waiver.

28 (b) The officer may receive the tuition waiver for up to five years
29 if he or she otherwise continues to be eligible for participation.

30 (2)(a) (2) Any legal dependent of a law enforcement officer who
31 satisfies subsection (1) of this section ~~maintains satisfactory~~

1 ~~performance with such law enforcement officer's law enforcement agency~~
2 shall be entitled to a tuition waiver of one hundred percent of the
3 resident tuition charges of any state university, state college, or
4 community college for an associate or baccalaureate degree program if the
5 legal dependent:

6 (i) Executes ~~executes~~ an agreement ~~with the state~~ in accordance with
7 section 85-2605; -

8 (ii) Has not previously earned an undergraduate degree;

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

11 (iv) Applies for applicable state scholarships and grants;

12 (v) Submits a document to the state university, state college, or
13 community college confirming that the legal dependent has satisfied
14 subdivisions (2)(a)(iii) and (iv) of this section. Such document shall be
15 submitted in a form and manner as prescribed by the state university,
16 state college, or community college; and

17 (vi) Submits the certificate of verification required by subsection
18 (4) of this section.

19 (b) The legal dependent may receive the tuition waiver for up to
20 five years if the law enforcement officer and the legal dependent
21 continue to be eligible for participation. The five years of tuition
22 waiver eligibility starts once the legal dependent applies for and
23 receives the tuition waiver for the first time and is available to such
24 legal dependent for the next consecutive five years.

25 (3) The state university, state college, or community college shall
26 waive one hundred percent of the officer's or the legal dependent's
27 tuition remaining due after subtracting awarded federal financial aid
28 grants and state scholarships and grants for an eligible law enforcement
29 officer or legal dependent during the time the officer or legal dependent
30 is enrolled. To remain eligible, the officer or legal dependent must
31 comply with all requirements of the institution for continued attendance

1 and award of an associate degree or a baccalaureate degree.

2 (4) An application for the tuition waiver shall include a
3 verification of the law enforcement officer's satisfaction of subsection
4 (1) of this section ~~satisfactory performance as a law enforcement~~
5 ~~officer~~. It shall be the responsibility of the officer to obtain a
6 certificate of verification from his or her superior ~~officer in such~~
7 ~~officer's law enforcement agency~~ attesting to such officer's satisfaction
8 of subsection (1) of this section ~~satisfactory performance~~. The officer
9 shall include the certificate of verification when the officer or the
10 officer's legal dependent is applying to the state university, state
11 college, or community college in order to obtain tuition waiver upon
12 initial enrollment.

13 (5) Within forty-five days after receipt of a completed application,
14 the state university, state college, or community college shall send
15 written notice of the law enforcement officer's or legal dependent's
16 eligibility or ineligibility for the tuition waiver. If the officer or
17 legal dependent is determined not to be eligible for the tuition waiver,
18 the notice shall include the reason or reasons for such determination ~~and~~
19 ~~an indication that an appeal of the determination may be made pursuant to~~
20 ~~the Administrative Procedure Act~~.

21 Sec. 7. Section 85-2603.01, Revised Statutes Supplement, 2023, is
22 amended to read:

23 85-2603.01 (1)(a) A professional firefighter shall be entitled to a
24 waiver of one hundred percent of the resident tuition charges of any
25 state university, state college, or community college if the professional
26 firefighter:

27 (i) Maintains satisfactory performance with such firefighter's fire
28 department;

29 (ii) Meets all admission requirements of the state university, state
30 college, or community college;

31 (iii) Pursues studies leading to a degree ~~in science or medicine~~

1 that relates to a career in professional firefighting from an associate
2 degree program or a baccalaureate degree program; ~~and~~

3 (iv) Submits the certificate of verification required by subsection
4 (4) of this section; and

5 (v) ~~(iv)~~ Files with the Department of Revenue documentation showing
6 proof of employment as a professional firefighter and proof of residence
7 in Nebraska each year such professional firefighter or such professional
8 firefighter's legal dependent applies for and receives the tuition
9 waiver.

10 (b) The professional firefighter may receive the tuition waiver for
11 up to five years if such professional firefighter otherwise continues to
12 be eligible for participation.

13 (2)(a) ~~(2)~~ Any legal dependent of a professional firefighter who
14 maintains satisfactory performance with such professional firefighter's
15 fire department shall be entitled to a tuition waiver of one hundred
16 percent of the resident tuition charges of any state university, state
17 college, or community college for an associate or baccalaureate degree
18 program if the legal dependent;

19 (i) ~~Executes~~ executes an agreement with the state in accordance with
20 section 85-2605; -

21 (ii) Has not previously earned an undergraduate degree;

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

24 (iv) Applies for applicable state scholarships and grants;

25 (v) Submits a document to the state university, state college, or
26 community college confirming that the legal dependent has satisfied
27 subdivisions (2)(a)(iii) and (iv) of this section. Such document shall be
28 submitted in a form and manner as prescribed by the state university,
29 state college, or community college; and

30 (vi) Submits the certificate of verification required by subsection
31 (4) of this section.

1 **(b)** The legal dependent may receive the tuition waiver for up to
2 five years if the professional firefighter and the legal dependent
3 continue to be eligible for participation. The five years of tuition
4 waiver eligibility starts once the legal dependent applies for and
5 receives the tuition waiver for the first time and is available to such
6 legal dependent for the next consecutive five years.

7 **(3)** The state university, state college, or community college shall
8 waive one hundred percent of the professional firefighter's or the legal
9 dependent's tuition remaining due after subtracting awarded federal
10 financial aid grants and state scholarships and grants for an eligible
11 professional firefighter or legal dependent during the time the
12 professional firefighter or legal dependent is enrolled. To remain
13 eligible, the professional firefighter or legal dependent must comply
14 with all requirements of the institution for continued attendance and
15 award of an associate degree or baccalaureate degree.

16 **(4)** An application for the tuition waiver shall include a
17 verification of the professional firefighter's satisfactory performance
18 as a professional firefighter. It shall be the responsibility of the
19 professional firefighter to obtain a certificate of verification from the
20 fire chief of such professional firefighter's fire department attesting
21 to such professional firefighter's satisfactory performance. The
22 professional firefighter shall include the certificate of ~~or~~ verification
23 when the professional firefighter or the professional firefighter's legal
24 dependent is applying to the state university, state college, or
25 community college in order to obtain tuition waiver upon initial
26 enrollment.

27 **(5)** Within forty-five days after receipt of a completed application,
28 the state university, state college, or community college shall send
29 written notice of the professional firefighter's or legal dependent's
30 eligibility or ineligibility for the tuition waiver. If the professional
31 firefighter or legal dependent is determined not to be eligible for the

1 tuition waiver, the notice shall include the reason or reasons for such
2 determination ~~and an indication that an appeal of the determination may~~
3 ~~be made pursuant to the Administrative Procedure Act.~~

4 Sec. 8. Section 85-2605, Revised Statutes Supplement, 2023, is
5 amended to read:

6 85-2605 (1) Each legal dependent who is a tuition waiver recipient
7 under the First Responder Recruitment and Retention Act shall execute an
8 agreement ~~with the state~~. Such agreement shall be exempt from the
9 requirements of sections 73-501 to 73-510 and shall include the following
10 terms, as appropriate:

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

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

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

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

31 (2) The five-year residency requirement begins to run after use of

1 the first tuition waiver and:

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

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

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

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

13 Sec. 9. On or before December 31 of each year, each state
14 university, state college, and community college shall provide to the
15 Department of Revenue a list of the legal dependents who received a
16 tuition waiver pursuant to the First Responder Recruitment and Retention
17 Act during such year.

18 Sec. 10. (1) The Department of Revenue shall maintain a record of
19 the legal dependents who have received tuition waivers pursuant to the
20 First Responder Recruitment and Retention Act.

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

26 Sec. 11. Original sections 81-1401, 81-1403, and 81-1414, Revised
27 Statutes Cumulative Supplement, 2022, and sections 85-2601, 85-2602,
28 85-2603, 85-2603.01, and 85-2605, Revised Statutes Supplement, 2023, are
29 repealed.