

## LEGISLATIVE BILL 335

Approved by the Governor March 9, 1971

Introduced by Otho G. Kime, 43rd District; Walter H. Epke, 24th District

AN ACT to amend sections 38-403, 38-408, and 80-304.01, Reissue Revised Statutes of Nebraska, 1943, relating to veterans' affairs; to provide additional persons who may be appointed guardian or conservator of a member of the Nebraska Veterans' Home as prescribed; to provide for a bond and payment of the premium therefor; to change designation of name of administrator of the home; and to repeal the original sections.

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

Section 1. That section 38-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-403. No person other than a bank, or trust company or guardian officer of the Nebraska Veterans' Home shall be a guardian of more than five wards at one time, unless all wards are members of one family. Upon presentation of a petition by an attorney of the Veterans Administration or other interested person, alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge him from guardianships in excess of five and forthwith appoint a successor.

Sec. 2. That section 38-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-408. (1) Before making an appointment under the provisions of sections 38-401 to 38-421, the court shall be satisfied that the guardian, whose appointment is sought, is a fit and proper person to be appointed. Upon the appointment of a guardian, he shall execute and file a bond to be approved by the court in an amount not less than the estimated value of the personal estate and the anticipated income of the ward during the ensuing year, except in cases where the guardian officer of the Nebraska Veterans' Home has been appointed guardian for

a member of the home. Such guardian officer shall be bonded by the State of Nebraska for an amount determined by the administrator of the veterans' home. The bond shall be in the form and be conditioned as required of guardians appointed under the guardianship laws of this state. The court may from time to time require the guardian to file an additional bond. At any subsequent time when the attention of the court is directed to the fact that the guardian's bond is inadequate as measured by the minimum requirements for a bond at the time of his appointment, an additional bond shall be required in an amount not less than such minimum requirement. In any estate where the bond required by the court is one thousand dollars or more, the guardian shall furnish a corporate surety bond.

(2) Where a bond is tendered by a guardian with personal sureties, there shall be at least two such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that each is worth the sum named in the bond as the penalty thereof over and above all his debts and liabilities and the aggregate of other bonds on which he is principal or surety and exclusive of property exempt from execution. The court may require additional security or may require a corporate surety bond, the premium thereon to be paid from the ward's estate.

Sec. 3. That section 80-304.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-304.01. Whenever a member of the home is deemed to have become addicted to the excessive use of alcoholic liquor or a spendthrift as defined in section 38-301 or who has become disabled because of age or otherwise to such an extent that it is impossible for him to transact his personal financial business, the commandant administrator of the home is hereby empowered to instigate, in his official capacity, proceedings for the legal appointment of a guardian or conservator to take charge of and administer all funds, whether pension, compensation, or otherwise, inuring to such member. A member of the staff of the veterans' home shall be named guardian officer of the home and may be appointed guardian or conservator of members of the home. The guardian officer shall not receive fees or compensation from the member for his services. Bond for the guardian officer shall be paid by the State of Nebraska.

Sec. 4. That original sections 38-403, 38-408, and 80-304.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.