

LEGISLATIVE BILL 2

Approved by the Governor February 15, 1991

Introduced by Executive Board: Labeledz, 5, Chairperson

AN ACT relating to federal agencies; to amend sections 8-319, 16-1016, 16-1036, 23-2529, 37-214.03, 48-225, 48-229, 48-1202, 58-213, 71-183.01, 71-1,103, 71-1,107.13, 71-2622, 71-6104, 72-1246.04, 77-202.24, 77-3508, 77-3514, 77-3526, 77-3527, 79-1051.05, 79-1455, 80-301, 80-401.03, 80-601, 80-602, 80-604, 80-605, 80-701, and 84-712.02, Reissue Revised Statutes of Nebraska, 1943; to change references to the Veterans' Administration, the Department of Health, Education, and Welfare, and other federal entities which have been renamed or reorganized; and to repeal the original sections.

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

Section 1. That section 8-319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-319. (1) No loan shall be made by such association except to its own members, nor shall any loan be made to any member for any sum in excess of the par value of his or her stock. The borrower shall pledge to the association, as security for the loan, shares of a maturity value equal to the principal of the loan and, except as otherwise provided in this section, ample security by mortgage or deeds of trust on real estate. For the purpose of this section the terms real property and real estate shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is renewable automatically or at the option of the holder or of the association so as not to expire for at least five years beyond the maturity of the debt. Loans made upon improved real estate, except as is hereinafter stated otherwise provided in this section, shall not exceed ninety-five percent of the reasonable normal cash value thereof, and all loans made on any other real estate shall not exceed three-fourths of the reasonable normal cash value thereof.

(2) An association may make a loan or loans in an amount exceeding ninety-five percent of the

reasonable normal cash value of the real estate security (a) if such loan or loans be are made to a veteran in accord with the provisions of 38 U.S.C., as now existing or as hereafter amended, (b) if the proceeds of the loan or loans are to be used in purchasing residential property or in constructing a dwelling on unimproved property owned by such veteran to be occupied as his or her home, used for the purpose of making repairs, alterations, or improvements in, or paying delinquent indebtedness, taxes, or special assessments on residential property owned by the veteran and used by him or her as his or her home, or used in purchasing any land and buildings to be used by the applicant in pursuing a gainful occupation other than farming, and (c) if the Administrator of Veterans' Affairs shall guarantee Secretary of Veterans Affairs guarantees that portion of such loan or loans in excess of ninety-five percent of the reasonable normal cash value of the real estate security.

(3) An association is authorized to obtain insurance of its loans by the Federal Housing Administrator under Title II of the National Housing Act, as amended, and such loans so made upon improved real estate and so insured shall not be subject to the restrictions set forth in this section with reference to the maximum authorized amount of a loan.

(4) An association may make unsecured loans to its members if such loans (a) are insured under Title I and Title II of the National Housing Act, as amended, or (b) are for property alterations, repair, or improvements. The ; PROVIDED, that the aggregate amount of loans made under subdivisions (a) and (b) of this subsection shall not, at any time, exceed twenty percent of the association's assets. Each ; and each loan made under subdivision (b) of this subsection shall be repayable in regular monthly installments within a period of twenty years and shall be supported by a written property statement on forms to be prescribed by the Department of Banking and Finance. An association may make secured loans to its members, and may make loans under 38 U.S.C., as amended, under Chapter V, subchapter C of the Home Owners Loan Act of 1933, as amended (12 U.S.C.), and on the security of mobile homes.

(5) The stock of such association may be accepted as security for a loan of the amount of the withdrawal value of such stock without other security.

(6) An association when so licensed may make loans to its own members upon the terms and security set

forth in sections 45-114 to 45-155.

(7) Any provisions of this section to the contrary notwithstanding, an association may make any loan that a federal savings and loan association doing business in this state is or may be authorized to make.

(8) An association may invest in loans, obligations, and advances of credit, all of which are hereinafter referred to in this section subsection as loans, made for the payment of expenses of business school, technical training school, college, or university education, but no association shall make any investment in loans under this subsection if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed five percent of its assets. Such loans may be secured, partly secured, or unsecured, and the association may require a comaker or comakers, insurance, guaranty under a governmental student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a full-time student solely for the payment of expenses of business, technical training school, college, or university education.

(9) An association may participate with other lenders in making loans of any type that an association may otherwise make, PROVIDED, that if (a) each of the lenders is either an instrumentality of the United States Government or is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation; or, in the case of another lender, the interest of the association in such loan is superior to the participating interests of the other participants; and (b) an association whose accounts are insured by the Federal Savings and Loan Insurance Corporation, which may be a federal association or an association chartered by this state, or another association chartered by this state, which is not so insured, has otherwise complied with subsection (1) of this section with respect to loans to members.

(10) An association may sell to or purchase from any institution which is a savings association chartered by this state, or the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, a participating interest in any loan, whether or not, in the case of a purchase, the security is located within the association's regular lending area.

Sec. 2. That section 16-1016, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1016. The funds of the retirement system shall be invested by the retirement committee. The city or committee shall contract with an insurance company, trust company, or other financial institution, including, but not limited to, brokerage houses, investment managers, savings and loan associations, banks, credit unions, or lenders approved by the Farmers Home Administration or Veterans¹ Administration approved lenders United States Department of Veterans Affairs. Such funds shall be invested pursuant to the policies established by the Nebraska Investment Council.

Sec. 3. That section 16-1036, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1036. The funds of the retirement system shall be invested by the retirement committee. The city or committee shall contract with an insurance company, trust company, or other financial institution, including, but not limited to, brokerage houses, investment managers, savings and loan associations, banks, credit unions, or lenders approved by the Farmers Home Administration or Veterans¹ Administration approved lenders United States Department of Veterans Affairs. Such funds shall be invested pursuant to the policies established by the Nebraska Investment Council.

Sec. 4. That section 23-2529, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2529. Veterans preference shall be granted to all applicants who are otherwise eligible for employment and who request such preference on their applications. In order to receive preference, the veteran must submit a copy of his or her discharge papers and, for disability credit, proof from the United States Veterans¹ Administration Department of Veterans Affairs that the disability is at least ten percent. To the passing score of veteran candidates, ten points shall be added for a disabled veteran and five points for all other veterans.

Sec. 5. That section 37-214.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-214.03. Any veteran of any war as defined in section 80-401.01, who is a legal resident of the State of Nebraska, and (1) who is rated by the Veterans¹ Administration United States Department of Veterans

Affairs as fifty percent or more disabled as a result of service in the armed forces of the United States, (2) who is receiving a pension from the Veterans' Administration department as a result of total and permanent disability, which disability was not incurred in line of duty in the military service, or (3) who is sixty-five years of age or older shall be exempt from the payment of any fees provided by the laws of the State of Nebraska for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or of hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits, or to special permits for a restricted area or game management unit. If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the Game and Parks Commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permit shall not authorize any person to shoot from any public highway. All permits issued without the payment of any fees pursuant to this section shall be perpetual and become void only upon termination of eligibility of such veteran as provided in this section. The Game and Parks Commission is authorized to promulgate rules and regulations necessary to carry out the provisions of this section.

Sec. 6. That section 48-225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-225. As used in sections 48-225 to 48-231, and ~~55-161~~, unless the context otherwise requires:

(1) Veteran shall mean any person who served full-time duty with military pay and allowances in the armed forces of the United States, except for training or for determining physical fitness, and was discharged under honorable conditions;

(2) Full-time duty shall mean duty during time of war or during a period recognized by the Veterans' Administration of the United States Department of Veterans Affairs as qualifying for veterans benefits administered by the Veterans' Administration department and that such duty from January 31, 1955, to August 5, 1964, shall have exceeded one hundred eighty days unless lesser duty was the result of a service-connected or service-aggravated disability;

(3) Disabled veteran shall mean an individual who has served on active duty in the armed forces of the

United States, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Veterans' Administration United States Department of Veterans Affairs or a military department; and

(4) Preference eligible shall mean any veteran as defined in this section.

Sec. 7. That section 48-229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-229. It shall be the duty of the Commissioner of Labor to enforce the provisions of sections 48-225 to 48-231. The commissioner and 55-161- He shall act on preference claims as follows:

(1) When the employing agency and the claimant are in disagreement, or when there is doubt as to any preference claim, the commissioner shall adjudicate the claim based on information given in the claim, the documents supporting the claim, and information which he may receive may be received from the armed forces of the United States, the Veterans' Administration, or the Military Personnel Branch of the National Personnel Records Center of the General Services Administration of the United States Department of Veterans Affairs, or the National Archives and Records Administration;

(2) He The commissioner shall allow a tentative five-point preference, pending receipt of additional information, to any person who claims either a five-five-point or a ten-point preference but who furnishes insufficient information to establish his entitlement thereto at the time of his examination; and

(3) He The commissioner shall decide appeals from preference determinations made by any employing agency.

Sec. 8. That section 48-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1202. As used in sections 48-1201 to 48-1209 the Wage and Hour Act, unless the context otherwise requires:

(1) Employ includes to permit to work;

(2) Employer includes any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in

any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States, the state, or any political subdivision thereof;

(3) Employee includes any individual employed by any employer, but shall not include:

(a) Any individual employed in agriculture;

(b) Any individual employed as a babysitter in or about a private home;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity, or superintendents or supervisors;

(d) Any individual employed by the United States, or by the state or any political subdivision thereof;

(e) Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization ~~where~~ ~~when~~ the employer-employee relationship does not, in fact, exist or ~~where~~ ~~when~~ the services rendered to such organization are on a voluntary basis;

(f) Apprentices and learners otherwise provided by law;

(g) Veterans in training under supervision of the ~~Veterans Administration~~ United States Department of Veterans Affairs;

(h) A child in the employment of his or her parent or a parent in the employment of his or her child; or

(i) Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;

(4) Occupational classification shall mean a classification established by the Dictionary of Occupational Titles, prepared by the United States Department of Labor; and

(5) Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.

Sec. 9. That section 58-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

58-213. Insurer shall mean an agency, department, administration, or instrumentality, corporate or otherwise, of or in the United States

Department of Housing and Urban Development, the Farmers Home Administration of the United States Department of Agriculture, or the Veterans' Administration of the United States of America United States Department of Veterans Affairs, any private insurance company, or any other public or private agency which insures or guarantees loans, including mortgage loans.

Sec. 10. That section 71-183.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-183.01. Nothing in section 71-183 shall apply to the following practices, acts, and operations:

(1) To the practice of his or her profession by a physician or surgeon licensed as such under the laws of this state; unless he or she practices dentistry as a specialty;

(2) To the giving by a qualified anesthetist or registered nurse of an anesthetic for a dental operation under the direct supervision of a licensed dentist or physician;

(3) The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard, or veterans' bureau Department of Veterans Affairs;

(4) The practice of dentistry by a licensed dentist of other states or countries at meetings of the Nebraska Dental Association or components thereof, or other like dental organizations approved by the board, while appearing as clinicians;

(5) To the filling of work authorizations of a licensed and registered dentist as hereinafter provided in this subdivision by any person or persons, association, corporation, or other entity for the construction, reproduction, or repair of prosthetic dentures, bridges, plates, or appliances to be used or worn as substitutes for natural teeth; PROVIDED, that if such person or persons, association, corporation, or other entity shall does not solicit or advertise, directly or indirectly by mail, card, newspaper, pamphlet, radio, or otherwise, to the general public to construct, reproduce, or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth;

(6) To the use of roentgen or X-ray machines or other rays for making radiograms or similar records of dental or oral tissues under the supervision of a licensed dentist or physician; PROVIDED, that if such service shall is not be advertised by any name whatever

as an aid or inducement to secure dental patronage, and no person shall advertise that he or she has, leases, owns, or operates a roentgen or X-ray machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity or administering treatment thereto for any disease thereof;

(7) To the performance by a licensed dental hygienist, under the supervision of a licensed dentist, of the oral prophylaxis procedure, which shall include the scaling and polishing of teeth and such additional procedures as are prescribed in accordance with rules and regulations adopted by the Department of Health;

(8) To the performance by a dental auxiliary other than a licensed dental hygienist, under the supervision of a licensed dentist, of duties prescribed in accordance with rules and regulations adopted by the Department of Health; or

(9) To the performance by a licensed dental hygienist, by virtue of training and professional ability, under the supervision of a licensed dentist, of taking dental roentgenograms. Any other person is hereby authorized, under the supervision of a licensed dentist, to take dental roentgenograms; but shall not be authorized to do so until he or she has satisfactorily completed a course in dental radiology recommended by the Board of Examiners in Dentistry and approved by the Department of Health.

Sec. 11. That section 71-1,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,103. The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

(1) Persons rendering gratuitous services in cases of emergency;

(2) ~~persons~~ Persons administering ordinary household remedies;

(3) ~~the~~ The members of any church practicing its religious tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians or surgeons, and such members shall not be exempt from the quarantine laws of this state;

(4) ~~students~~ Students of medicine and surgery who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;

(5) ~~physicians~~ Physicians and surgeons of the

United States Armed Forces or Public Health Service or ~~United States Veterans' Administration or after March 14, 1989, United States Department of Veterans Affairs,~~ when acting in the line of such duty in this state;

(6) ~~physicians~~ Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and licensed in another state when incidentally called into this state for consultation with a physician and surgeon licensed in this state;

(7) ~~physicians~~ Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are duly licensed under the laws thereof to practice medicine and surgery but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state;

(8) ~~persons~~ Persons providing or instructing as to use of braces, prosthetic appliances, crutches, contact lenses, and other lenses and devices prescribed by a doctor of medicine licensed to practice while working under the direction of such physician;

(9) ~~dentists~~ Dentists practicing their profession when licensed and practicing in accordance with sections 71-183 to 71-191;

(10) ~~optometrists~~ Optometrists practicing their profession when licensed and practicing under and in accordance with sections 71-1,133 to 71-1,136;

(11) ~~osteopathic~~ Osteopathic physicians practicing their profession if licensed and practicing under and in accordance with sections 71-1,137 and 71-1,141;

(12) ~~chiropractors~~ Chiropractors practicing their profession if licensed and practicing under sections 71-177 to 71-182;

(13) ~~podiatrists~~ Podiatrists practicing their profession when licensed and practicing under and in accordance with sections 71-173 to 71-176;

(14) any Any person licensed or certified under the laws of this state to practice a limited field of the healing art, not ~~heretofore~~ specifically named in this section, when confining themselves strictly to the field for which they are licensed or certified, not assuming the title of physician, surgeon, or physician and surgeon, and not professing or holding themselves out as qualified to prescribe drugs in any form or to perform operative surgery; and

(15) ~~physicians~~ Physicians and surgeons who

are duly licensed to practice medicine and surgery in another state who have been recommended by the secretary of the board of examiners in the state of licensure and who have been granted temporary practice rights by the Board of Examiners in Medicine and Surgery, with the approval of the Department of Health, for a period not to exceed three months in any twelve-month period.

Every act or practice falling within the practice of medicine and surgery as defined not specially excepted herein in this section shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska.

Sec. 12. That section 71-1,107.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.13. A temporary educational permit may be issued to graduates of foreign schools or colleges of medicine or to individuals; PROVIDED, that such if the applicant, in addition to meeting the other requirements for the issuance of such permit, presents to the Department of Health a copy of a permanent certificate of the Educational Commission on Foreign Medical Graduates currently effective and relating to such applicant; or, in lieu thereof, such credentials as are necessary to certify to successful passage of the Visa Qualifying Examination, or its successor or equivalent examination, required by the United States Department of Health, Education and Welfare and Human Services and the United States Immigration and Naturalization Service; or, if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination; but has not yet received a permanent Educational Commission on Foreign Medical Graduates certificate attesting to the same, and provides such credentials as certify the same to the Department of Health, at such time as the Department of Health, upon recommendation of the Board of Examiners in Medicine and Surgery shall determine determines, and, if so directed by the Department of Health, shall pass passes an examination prescribed by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to measure his or her clinical competence to proceed to advanced training before advancing beyond the initial phase of the training program, and if such examination is required, shall pay pays a fee of one

hundred dollars or such additional amount as ~~shall be is~~ determined by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover the expense of such examination.

Sec. 13. That section 71-2622, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2622. The Department of Health shall collect a fee of not less than sixty nor more than one hundred dollars, as determined by departmental regulation, for each inspection of private water supply or private sewage disposal facilities requested of and made by the department in order for the person requesting the inspection to qualify for any type of commercial loan, guarantee, or other type of payment or benefit from any commercial agency or enterprise to the person applying for or receiving the same, or to meet the requirements of any federal governmental agency, including, but not limited to, the Farmers Home Administration, the Federal Housing Administration, and the United States ~~Veterans' Administration~~ Department of Veterans Affairs, that such an inspection be conducted as a condition of applying for or receiving any type of grant, loan, guarantee, or other type of payment or benefit from such agency to the person applying for or receiving the same. All fees so collected shall be paid into the state treasury and by the State Treasurer credited to the Department of Health Cash Fund.

Sec. 14. That section 71-6104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6104. No person may represent himself or herself to be a licensed occupational therapist or occupational therapy assistant unless he or she is licensed in accordance with the Occupational Therapy Practice Act. Nothing in such act shall be construed to prevent:

(1) Any person licensed in this state pursuant to Chapter 71 from engaging in the profession or occupation for which he or she is licensed;

(2) The activities and services of any person employed as an occupational therapist or occupational therapy assistant by the armed forces, ~~Veterans' Administration~~ the United States Department of Veterans Affairs, or the ~~U-S-~~ United States Public Health Service if such person provides occupational therapy solely under the direction or control of the organization by which he or she is employed;

(3) The activities and services of any person

pursuing an accredited course of study leading to a degree or certificate in occupational therapy if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee;

(4) The activities and services of any person fulfilling the supervised fieldwork experience requirements of sections 71-6106 and 71-6107 if such activities and services constitute a part of the experience necessary to meet the requirements of such sections;

(5) An unlicensed person from performing occupational therapy; or

(6) Qualified members of other professions or occupations, including, but not limited to, recreation specialists or therapists, special education teachers, independent living specialists, work adjustment trainers, caseworkers, and persons pursuing courses of study leading to a degree or certification in such fields, from doing work similar to occupational therapy which is consistent with their training if they do not represent themselves by any title or description to be occupational therapists.

Sec. 15. That section 72-1246.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1246.04. The Nebraska Investment Council shall obtain the approval of the United States Department of Health, Education and Welfare, Office of Education, before purchasing, selling, or servicing loans pursuant to sections 72-1246.01 to ~~72-1246.04~~ 72-1246.03.

Sec. 16. That section 77-202.24, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.24. The following classes of personal property shall be exempt from taxation:

(1) A mobile home owned and occupied by a disabled or blind honorably discharged veteran of the United States Armed Forces whose disability or blindness is recognized by the Veterans' Administration of the United States Department of Veterans Affairs as service connected; and

(2) One motor vehicle owned and used for his or her personal transportation by a disabled or blind honorably discharged veteran of the United States Armed Forces whose disability or blindness is recognized by the Veterans' Administration of the United States

Department of Veterans Affairs as service connected.

Sec. 17. That section 77-3508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3508. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation a percentage of the first thirty-five thousand dollars of the actual value of any homestead of (a) veterans, as defined in section 80-401.01, who are totally disabled by a non-service-connected accident or illness, (b) individuals who are paralyzed in both legs such as to preclude locomotion without the regular aid of braces, crutches, canes, or wheelchairs, (c) individuals who have undergone amputation of both lower extremities such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs, (d) individuals with progressive neuromuscular or neurological disease such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs or who have permanently lost the use or control of both arms, and (e) individuals who have undergone amputation of both arms above the elbow. The exemption shall be based on the income of a claimant pursuant to subsection (2) of this section. Application for such exemption shall include certification from a qualified medical physician for subdivisions (1)(a) through (1)(e) of this section or certification from the Veterans' Administration of the United States Department of Veterans Affairs affirming that the homeowner is totally disabled due to non-service-connected accident or illness for subdivision (1)(a) of this section. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

(2) For a claimant as described in subsection (1) of this section, the percentage of the exemption for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection.

Column A	Column B
Household Income	Percentage
In Dollars	Of Relief
0 through 10,400	100

Sec. 18. That section 77-3514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3514. Commencing January 17, 1989, a A claimant who is the owner of a homestead which has been

granted an exemption under sections 77-3507 to 77-3509, except subdivision (1)(a) of section 77-3508, shall certify to the county assessor by April 1 of each year that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, occupancy, marital status, veteran status, rating by the Veterans' Administration of the United States Department of Veterans Affairs, or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. In addition, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 may notify the county assessor by August 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any property owner permits the allowance of the homestead exemption for any year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any property in this state for the two succeeding years.

Sec. 19. That section 77-3526, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3526. As used in sections 77-3526 to 77-3528: ~~7 unless the context otherwise requires:~~

(1) Paraplegic shall mean a veteran who is paralyzed in both legs such as to preclude locomotion without the aid of braces, crutches, canes, or wheelchair;

(2) Multiple amputee shall mean a veteran who has undergone amputation of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, wheelchair, or artificial limbs;

(3) Home shall mean one housing unit and necessary land therefor not to exceed one acre occupied by the veteran or his or her unmarried surviving spouse when the veteran or surviving spouse is the owner of record from January 1 through August 15 in each year; and

(4) Substantially contributed by the Veterans' Administration of the United States Department of Veterans Affairs shall mean any amount received by a veteran from the Veterans' Administration of the United States department under Public Law 85-857 adopted September 2, 1958, as amended and in effect on January 1, 1979.

Sec. 20. That section 77-3527, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3527. The value of a home substantially contributed by the Veterans' Administration of the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of his or her surviving spouse or his or her remarriage. If such veteran or his or her unmarried surviving spouse disposes of such home, and within one year uses the proceeds therefrom, or part of such proceeds, to acquire another home for occupancy by such veteran or his or her surviving spouse, such home shall be deemed to be one substantially contributed to by the Veterans' Administration, department and the exemption provided for in this section shall apply to such substituted home during the life of such veteran or until the death of his or her surviving spouse or his or her remarriage. Application for exemption under this section shall include certification from the Veterans' Administration department affirming that the Veterans' Administration department has substantially contributed to the purchase of a home by the applicant.

Sec. 21. That section 79-1051.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1051.05. Investments may also be made in first mortgages on improved real property which are insured by the Federal Housing Administration under the National Housing Act, or are guaranteed by the Veterans' Administration United States Department of Veterans

Affairs under the Veterans' Benefits Act of 1958 and any amendments thereto, or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality thereof, so as to give the investor protection essentially the same as that provided by such National Housing Act or Veterans' Benefits Act of 1958 and any amendments thereto, or in notes, bonds, or debentures fully collateralized by such protected mortgages.

Sec. 22. That section 79-1455, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1455. The State Board of Education is hereby empowered to enter into an agreement on behalf of the State of Nebraska with the Secretary of the United States Department of Health, Education, and Welfare and Human Services to carry out the provisions of the federal Social Security Act, as amended, relating to the making of determinations of disability under the provisions of such act.

Sec. 23. That section 80-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-301. There shall be established and maintained by the State of Nebraska two institutions to be known as the Nebraska Veterans' Home, Grand Island, Nebraska, and the other to be known and named as the Thomas Fitzgerald Veterans' Home, Douglas County, Nebraska. The object of these homes shall be to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed forces of the United States during a period of war as defined in section 80-401.01; PROVIDED, that if at the time of making an application for admission to one of the homes (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years, ; (b) the applicant has become disabled due to service, old age, or otherwise to an extent that it would prevent such applicant from earning a livelihood, ; and (c) the applicant's income from all sources is such that such applicant would be dependent wholly or partially upon public charities for support, or the type of care needed is available only at a state institution, ; (2) to the spouse of any such person admitted to one of the homes, who has attained the age of fifty years and has been married to such member for at least two years before his or her entrance into the home, ; (3) to the surviving spouses and parents of eligible servicemen and women, as defined in subdivision (1) of this section, who died while in the

service of the United States, or who have since died of a service-connected disability as determined by the Veterans' Administration, United States Department of Veterans Affairs, and (4) to the surviving spouses of eligible servicemen or servicewomen, as defined in subdivision (1) of this section, who have since died, PROVIDED, such if the surviving spouses and parents referred to in subdivision (3) or (4) of this section shall, at the time of applying, have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, be are unable to earn a livelihood, and be are dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution.

No one admitted to one of these homes under conditions herein enumerated in this section shall have a vested right to a continued residence in such home if such person shall cease ceases to meet any of the above eligibility requirements, except that ; PROVIDED, no person who has been regularly admitted shall be denied continued residence solely because of his or her marriage to a member of one of these homes. Veterans ; PROVIDED FURTHER, that veterans, spouses, surviving spouses, and parents admitted to one of the Nebraska veterans homes under the provisions of this section, who have an income in excess of forty dollars per month, including federal pension, compensation, or social security, or have sufficient assets will be required to reimburse the state monthly a reasonable amount for the expense of their maintenance, this amount to be determined by the Board of Inquiry and Review. All ; AND PROVIDED FURTHER, all money paid to the state by members of the Nebraska veterans homes in compliance with this section will be deposited in the Institutional Cash Fund for the Nebraska Veterans' Homes. Any money in the Veterans' Home Building Fund or the Institutional Cash Fund for the Nebraska Veterans' Homes available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259 72-1276.

Sec. 24. That section 80-401.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-401.03. The Director of Veterans' Affairs shall be responsible for the administration of the income funds from the Nebraska Veterans' Aid Fund for the aid of needy veterans as defined in section 80-401.01, and their dependents. He or she, or a deputy designated by him or her, shall receive and approve for

payment; or disapprove; applications for aid which shall originate in any local post of any recognized veterans organization; or with a county veterans service officer, as defined in this act. Any person eligible for such aid shall make application for the same through such local post; or county veterans service officer; in the community nearest his or her place of residence. ~~Should there be~~ If there are two or more local posts of one or more recognized veterans organizations in any community, no claimant can originate a claim in more than one such post at any given time; and a period of at least thirty days shall elapse between the filing of claims. An application shall not be deemed to be filed until it has been received and filed in the office of the Director of Veterans' Affairs. The director may adopt and promulgate such rules and regulations as may be necessary for administering such aid. No part of the interest accumulation of the Nebraska Veterans' Aid Fund shall be expended for the purpose of organizing and maintaining any veterans organization. There shall be expended under the direction of the director such sum or sums as may be specifically appropriated by the Legislature for the employment of necessary assistants or deputies and clerical employees at such reasonable compensation as may be fixed by the director in each particular case and for the maintenance and expenses of a state service office with necessary service officers and assistants to prepare and present meritorious cases of ex-servicemen and ex-servicewomen for benefits before the United States Veterans' Administration Department of Veterans Affairs. Such cases shall be accepted by the state service officer on behalf of any claimant when a proper power of attorney is given by such claimant to the office of the director or to a state service officer, if he or she ~~shall be~~ is so designated by any recognized veterans organization as its sole representative, and regardless of where the cases originate. No part of such sum or sums is to be paid out of the twelve million dollar trust fund or the income therefrom. Upon the completion of the trust, the principal fund so held by the State Treasurer shall revert to the treasury of the state.

Sec. 25. That section 80-601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-601. Whenever in any proceeding under the Nebraska Mental Health Commitment Act it is determined that a person is a mentally ill dangerous person; and it appears that such person is eligible for care or

treatment by the Veterans¹ Administration or other United States Department of Veterans Affairs or another agency of the United States Government, the mental health board, upon determination by the Veterans¹ Administration department or such other agency that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said Veterans¹ Administration the department or other agency. Upon commitment, such person shall be subject to the applicable rules and regulations of the Veterans¹ Administration department or other agency of the United States operating the institution in which such care or treatment is provided. The chief officer of any facility of the Veterans¹ Administration department or institution operated by any other agency of the United States to which a mentally ill dangerous person is committed by a proper agency in this state shall have the same powers as superintendents of state hospitals for the care of the mentally ill in this state with respect to the custody, transfer, conditional discharge, or discharge of such person.

Sec. 26. That section 80-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-602. If, in the judgment of the chief officer of a hospital or facility operated or utilized within this state by the Veterans¹ Administration United States Department of Veterans Affairs, the release therefrom of a Veterans¹ Administration department patient would endanger his or her life or property; or the lives or property of others, such chief officer is authorized, pending the initiation of commitment proceedings, to retain custody of such patient for a reasonable time, not to exceed ten days, after receiving written demand for his the patient's release unless otherwise ordered by a court of competent jurisdiction notwithstanding that the patient shall have been admitted as a voluntary patient and without compliance with the admission procedures prescribed by law.

Sec. 27. That section 80-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-604. The judgment or order of commitment by a court or board of competent jurisdiction of another state or of the District of Columbia committing a person to the Veterans¹ Administration United States Department of Veterans Affairs or other agency of the United States Government for care or treatment shall have the same force and effect, as to the committed person while in

this state, as in the jurisdiction in which is situated the court or board entering the judgment or making the order. The courts or boards of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person and determining the necessity for continuance of his restraint. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any hospital or facility of the Veterans' Administration, department or of any institution operated in this state by any other agency of the United States, to retain custody of, transfer, parole, or discharge the committed person.

Sec. 28. That section 80-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-605. The appropriate official of the Veterans' Administration, United States Department of Veterans Affairs or other agency of the United States, shall have authority to transfer any person heretofore or hereafter committed to the Veterans' Administration, United States Department of Veterans Affairs or other appropriate agency of the United States, or to a hospital maintained by either, to any other hospital operated by the Veterans' Administration, United States Department of Veterans Affairs or any other agency of the United States, or to any licensed private institution, or, subject to the prior approval of the Department of Public Institutions, to any Nebraska state hospital for the mentally ill. The department Department of Public Institutions, upon written consent of the legal guardian of the patient or the written approval of the county board of mental health which committed such patient if no such guardian has been appointed, shall have the authority, subject to eligibility and the prior approval of the appropriate official of the Veterans' Administration, United States Department of Veterans Affairs or other appropriate agency of the United States Government, to transfer for care or treatment any patient committed to a Nebraska state hospital for the care of the mentally ill to the Veterans' Administration, United States Department of Veterans Affairs or other appropriate agency of the United States Government. Upon any such transfer and notice thereof by mail to the committing court or the judge thereof or the committing board, the original commitment of such person shall be deemed to constitute

commitment to the Veterans' Administration United States Department of Veterans Affairs or other agency of the United States or to the state hospital or licensed institution to which such person may, from time to time, be so transferred.

Sec. 29. That section 80-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-701. The disability of minority of any person otherwise eligible for a loan, or for guaranty or insurance of a loan, pursuant to the Act of the Congress of the United States entitled the Servicemen's Readjustment Act of 1944, as heretofore or hereafter amended, and of the minor spouse of any eligible veteran, in connection with any transaction entered into pursuant to such Act of the Congress of the United States, as heretofore or hereafter amended, shall not affect the binding effect of any obligation incurred by such eligible person or spouse as an incident to any such transaction, including incurring of indebtedness and acquiring, encumbering, selling, releasing, or conveying property, or any interest therein, if all or part of any such obligation be is guaranteed or insured by the federal government or the Administrator of Veterans' Secretary of Veterans Affairs pursuant to said the act and amendments thereto, or, if the administrator be secretary is the creditor, by reason of a loan or a sale pursuant to such act and amendments thereto. This section shall not create, or render enforceable, any other or greater rights or liabilities than would exist if neither such person nor such spouse were a minor.

Sec. 30. That section 84-712.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.02. When it shall be is requested by any claimant before the United States Veterans' Bureau or any claimant before the United States Bureau of Pensions, Department of Veterans Affairs or his or her agent or attorney, that certified copies of any public record be furnished for the proper and effective presentation of any such claim in such bureau department, the officer in charge of such public records shall furnish or cause to be furnished to such claimant, or his or her agent or attorney, a certified copy thereof free of charge.

Sec. 31. That original sections 8-319, 16-1016, 16-1036, 23-2529, 37-214.03, 48-225, 48-229, 48-1202, 58-213, 71-183.01, 71-1,103, 71-1,107.13, 71-2622, 71-6104, 72-1246.04, 77-202.24, 77-3508,

LB 2

LB 2

77-3514, 77-3526, 77-3527, 79-1051.05, 79-1455, 80-301, 80-401.03, 80-601, 80-602, 80-604, 80-605, 80-701, and 84-712.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.