

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 805

Introduced by Avery, 28.

Read first time January 10, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to Nebraska veterans homes; to amend section
2 80-316, Revised Statutes Cumulative Supplement, 2012; to
3 change an application requirement; and to repeal the
4 original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 80-316, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 80-316 (1) The purpose of the Division of Veterans' Homes
4 of the Department of Health and Human Services is to provide
5 domiciliary and nursing home care and subsistence to:

6 (a) All persons who served on active duty in the armed
7 forces of the United States other than active duty for training and
8 who were discharged or otherwise separated with a characterization of
9 honorable or general (under honorable conditions) if, at the time of
10 making an application for admission to one of the Nebraska veterans
11 homes:

12 (i) The applicant has been a bona fide resident of the
13 State of Nebraska for at least two years or the applicant's parents
14 or children have been bona fide residents of the State of Nebraska
15 for at least two years;

16 (ii) The applicant has become disabled due to service,
17 old age, or otherwise to an extent that it would prevent such
18 applicant from earning a livelihood; and

19 (iii) The applicant's income from all sources is such
20 that the applicant would be dependent wholly or partially upon public
21 charities for support or the type of care needed is available only at
22 a state institution;

23 (b) The spouse of any such person admitted to one of the
24 homes who has attained the age of fifty years and has been married to
25 such member for at least two years before his or her entrance into

1 the home;

2 (c) Subject to subsection (2) of this section, the
3 surviving spouses and parents of eligible servicemen and servicewomen
4 as defined in subdivision (a) of this subsection who died while in
5 the service of the United States or who have since died of a service-
6 connected disability as determined by the United States Department of
7 Veterans Affairs; and

8 (d) Subject to subsection (2) of this section, the
9 surviving spouses of eligible servicemen or servicewomen as defined
10 in subdivision (a) of this subsection who have since died.

11 (2) The surviving spouses and parents referred to in
12 subdivision (1)(c) or (d) of this section shall be eligible for such
13 care and subsistence if, at the time of applying, they:

14 (a) Have been bona fide residents of the State of
15 Nebraska for at least two years;

16 (b) Have attained the age of fifty years;

17 (c) Are unable to earn a livelihood; and

18 (d) Are dependent wholly or partially upon public
19 charities or the type of care needed is available only at a state
20 institution.

21 (3) No one admitted to one of the Nebraska veterans homes
22 under conditions enumerated in this section shall have a vested right
23 to continued residence in such home if such person ceases to meet any
24 of the eligibility requirements of this section, except that no
25 person who has been regularly admitted shall be denied continued

1 residence solely because of his or her marriage to a member of one of
2 the homes.

3 Sec. 2. Original section 80-316, Revised Statutes
4 Cumulative Supplement, 2012, is repealed.