

LEGISLATIVE BILL 54

Approved by the Governor March 9, 2005

Introduced by Schimek, 27; Aguilar, 35; Janssen, 15; McDonald, 41; Preister, 5

AN ACT relating to government service; to amend sections 12-104, 19-1830, 23-1309, 23-1310, 37-420, 48-225, 48-227, 48-229, 60-311.03, 60-311.04, 60-311.08, 60-3002, 71-605, 71-1002, 77-202.24, 77-3508, 77-3509, 77-3513, 77-3514, 80-102, 80-104 to 80-107, 80-316, 80-318, 80-325, 80-401.01, 80-401.03, 80-401.06, 80-410, and 80-412, Reissue Revised Statutes of Nebraska, and sections 12-1301 and 80-401.02, Revised Statutes Supplement, 2004; to redefine terms relating to veterans; to change provisions for a veteran hiring preference and qualifications for veterans' benefits; to reorganize provisions relating to veterans; to modify exemptions for veterans; to clarify eligibility for veterans' benefits; to eliminate a retraining program; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-1393, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 12-104, Reissue Revised Statutes of Nebraska, is amended to read:

12-104. A piece or parcel of land not exceeding in extent one acre not otherwise used or appropriated, in such place and in such form as shall be selected and agreed upon between the trustees of Wyuka Cemetery and a committee to be selected by the Grand Army of the Republic of Lincoln, Nebraska, is hereby appropriated and dedicated to the use and for the purpose of a soldiers burial ground. Such ground shall ~~+ said ground to~~ be selected in the manner ~~above~~ described in this section, out of the South Half of the East Half of the Southeast Quarter of Section Nineteen, Township Ten, Range Seven East of the Sixth P.M., otherwise known as Wyuka Cemetery, ~~+~~ and ~~said~~ such plot of ground shall be used for the burial of all ~~such honorably discharged or separated~~ soldiers, sailors, marines, and army nurses, as they or their friends shall desire to bury therein, together with such members of their immediate families as ~~said~~ the committee from the Grand Army of the Republic shall direct. ~~The + and the~~ trustees of Wyuka Cemetery may appropriate and dedicate for the use and purpose of soldiers burial grounds such other pieces or parcels of ground in Wyuka Cemetery, ~~now or hereafter~~ acquired by ~~said~~ the cemetery, as may in the opinion of ~~said~~ such trustees be proper and sufficient. ~~Such + such~~ pieces or parcels of ground so appropriated and dedicated ~~to~~ shall be used for the burial of all ~~honorably discharged or separated~~ soldiers, sailors, marines, and army nurses who served in the army or navy of the United States in any war, together with such members of their immediate families as shall be selected by William Lewis Camp of Lincoln, Nebraska, of the United Spanish War Veterans, ~~or~~ by Lincoln Post No. 3 of the Department of Nebraska of the American Legion, or by the Lincoln, Nebraska, camp, post, or other local body of any other national organization of war veterans, to be designated by the trustees of ~~said~~ Wyuka Cemetery, which admits all ~~honorably discharged or separated~~ soldiers, sailors, marines, and nurses who served in any war of the United States without limitation as to the branch, time, or place of service, or the sex, color, nativity, or religion of the member.

Sec. 2. Section 12-1301, Revised Statutes Supplement, 2004, is amended to read:

12-1301. (1) The Director of Veterans' Affairs may establish and operate a state veteran cemetery system consisting of a facility in Box Butte County, a facility in Sarpy County, and the Nebraska Veterans' Memorial Cemetery in Hall County. The director may seek and expend private, state, and federal funds for the establishment, construction, maintenance, administration, and operation of the cemetery system as provided in this section. Any gift, bequest, or devise of real property for the cemetery system shall be subject to the approval requirements of section 81-1108.33 notwithstanding the value of the real property. All funds received for the construction of the cemetery system shall be remitted to the state treasurer for credit to the Veteran Cemetery Construction Fund. No revenue from the General Fund shall be remitted to the Veteran Cemetery Construction Fund for use in the construction of the state veteran cemetery system. Any funds remaining in the Veteran Cemetery Construction Fund following the completion of construction of the three facilities comprising the state veteran cemetery

system shall upon such completion be transferred to the Nebraska Veteran Cemetery System Endowment Fund, and the Veteran Cemetery Construction Fund shall thereafter terminate.

(2) (a) A trust fund to be known as the Nebraska Veteran Cemetery System Endowment Fund is hereby created. The fund shall consist of:

(i) Gifts, bequests, grants, or contributions from private or public sources designated for the maintenance, administration, or operation of the state veteran cemetery system;

(ii) Any funds transferred from the Veteran Cemetery Construction Fund following the completion of construction of the three facilities comprising the state veteran cemetery system; and

(iii) Following the termination of the Veteran Cemetery Construction Fund, any funds received by the state from any source for the state veteran cemetery system.

(b) No revenue from the General Fund shall be remitted to the Nebraska Veteran Cemetery System Endowment Fund. The Legislature shall not appropriate or transfer money from the Nebraska Veteran Cemetery System Endowment Fund for any purpose other than as provided in this section. Any money in the Nebraska Veteran Cemetery System Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Only the earnings of the Nebraska Veteran Cemetery System Endowment Fund may be used as provided in subsection (3) of this section. All investment earnings from the Nebraska Veteran Cemetery System Endowment Fund shall be credited on a quarterly basis to the Nebraska Veteran Cemetery System Operation Fund.

(3) There is hereby created the Nebraska Veteran Cemetery System Operation Fund. Money in the fund shall be used for the operation, administration, and maintenance of the state veteran cemetery system. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No revenue from the General Fund shall be remitted to the Nebraska Veteran Cemetery System Operation Fund.

(4) The director may make formal application to the federal government regarding federal financial assistance for the construction of any of the facilities comprising the state veteran cemetery system which is located in a county with a population of less than one hundred thousand persons when he or she determines that the requirements for such assistance have been met.

(5) The director may make formal application to the federal government regarding financial assistance for the construction of any facility comprising a portion of the state veteran cemetery system located in a county with a population of more than one hundred thousand persons when sufficient funds have been remitted to the Nebraska Veteran Cemetery System Endowment Fund such that (a) the projected annual earnings from such fund available for transfer to the Nebraska Veteran Cemetery System Operation Fund in each of the next succeeding five years plus (b) the projected annual value of formal agreements that have been entered into between the state and any political subdivisions or private entities to subsidize or undertake the operation, administration, or maintenance of any of the facilities within the state veteran cemetery system, has a value that is equal to or exceeds one hundred twenty-five percent of the projected annual cost of the operation, administration, and maintenance of the three facilities comprising the state veteran cemetery system in each of the succeeding five years.

(6) The director may expend such funds as may be available for any of the purposes authorized in this section.

(7) The director, with the approval of the Governor, may enter into agreements for cemetery construction, administration, operation, or maintenance with qualified persons, political subdivisions, or business entities. The director shall provide lots in the cemetery system for the interment of deceased veterans as defined by the National Cemetery Administration of the United States Department of Veterans Affairs. ~~The director shall provide lots for the interment of those veterans' with an honorable discharge or its equivalent and their spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support.~~ Section 12-501 does not apply to the state veteran cemetery system.

(8) The Veteran Cemetery Construction Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any money in the Veteran Cemetery Maintenance Fund on July 16, 2004, shall be transferred to the Veteran Cemetery Construction Fund.

(9) The Nebraska Veterans Cemetery Advisory Board is created. The board shall consist of seven members. One member shall be the director who shall serve as the chairperson of the board. Three members of the board shall be veterans appointed by the Governor from a list of candidates forwarded by the county board of each county within which a state veteran cemetery system facility is located. Three members with experience in cemetery administration or operation, one from each congressional district, shall be appointed by the Governor. The members of the board shall receive no compensation but shall be reimbursed for their actual and necessary expenses in the discharge of their duties as provided in sections 81-1174 to 81-1177. The board shall meet from time to time as requested by the director to review the status of the state veteran cemetery system, to recommend actions to facilitate the development of the system, to assist in fundraising from public or private sources for the construction, operation, administration, and maintenance of the system, and to advise the director on the most appropriate actions for the state to undertake in the development of the system and the priorities for action.

(10) The director may adopt and promulgate rules and regulations to carry out this section. The rules and regulations shall include requirements for proof of residency, cost of burial if any, and standards for cemeteries, including decorations and headstones.

Sec. 3. Section 19-1830, Reissue Revised Statutes of Nebraska, is amended to read:

19-1830. (1) Immediately after the appointment of the commission, and annually thereafter, the commission shall organize by electing one of its members chairperson. The commission shall hold meetings as may be required for the proper discharge of its duties. The commission shall appoint a secretary and a chief examiner who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe. The commission may merge the positions of secretary and chief examiner and appoint one person to perform the duties of both positions. If the municipality has a personnel officer, the commission shall appoint such personnel officer as secretary and chief examiner, if requested to do so by the appointing authority. The secretary and chief examiner shall be subject to suspension or discharge upon the vote of a majority of the appointed members of the commission.

(2) The commission shall adopt and promulgate procedural rules and regulations consistent with the Civil Service Act. Such rules and regulations shall provide in detail the manner in which examinations may be held and any other matters assigned by the appointing authority. At least one copy of the rules and regulations, and any amendments, shall be made available for examination and reproduction by members of the public. One copy of the rules and regulations and any amendments shall be given to each full-time firefighter and full-time police officer.

(3) The commission shall provide that all tests shall be practical and consist only of subjects which will fairly determine the capacity of persons who are to be examined to perform the duties of the position to which an appointment is to be made and may include, but not be limited to, tests of physical fitness and of manual skill and psychological testing.

(4) The commission shall provide, by the rules and regulations, for a credit of ten percent in favor of all applicants for an appointment under civil service who, in time of war or in any expedition of the armed forces of the United States, have served in and been ~~honorably~~ discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) from the armed forces of the United States and who have equaled or exceeded the minimum qualifying standard established by the appointing authority. These credits shall only apply to entry-level positions as defined by the appointing authority.

(5) The commission may conduct an investigation concerning and report upon all matters regarding the enforcement and effect of the Civil Service Act and the rules and regulations prescribed. The commission may inspect all institutions, departments, positions, and employments affected by such act to determine whether such act and all such rules and regulations are being obeyed. Such investigations may be conducted by the commission or by any commissioner designated by the commission for that purpose. The commission shall also make a like investigation on the written petition of a citizen, duly verified, stating that irregularities or abuses exist or setting forth, in concise language, the necessity for such an investigation. The commission may be represented in such investigations by the municipal attorney, if authorized by the appointing authority. If the municipal attorney does not represent the commission, the commission may be represented by special counsel appointed by the commission in any such investigation. In

the course of such an investigation, the commission, designated commissioner, or chief examiner shall have the power to administer oaths, issue subpoenas to require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and to cause the deposition of witnesses, residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in the courts of this state. The oaths administered and subpoenas issued shall have the same force and effect as the oaths administered by a district judge in a judicial capacity and subpoenas issued by the district courts of Nebraska. The failure of any person so subpoenaed to comply shall be deemed a violation of the Civil Service Act and be punishable as such. No investigation shall be made pursuant to this section if there is a written accusation concerning the same subject matter against a person in the civil service. Such accusations shall be handled pursuant to section 19-1833.

(6) The commission shall provide that all hearings and investigations before the commission, designated commissioner, or chief examiner shall be governed by the Civil Service Act and the rules of practice and procedure to be adopted by the commission. In the conduct thereof, they shall not be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission, except that no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect unless it is concurred in by a majority of the appointed members of the commission, including the vote of any commissioner making the investigation.

(7) The commission shall establish and maintain a roster of officers and employees.

(8) The commission shall provide for, establish, and hold competitive tests to determine the relative qualifications of persons who seek employment in any position and, as a result thereof, establish eligible lists for the various positions.

(9) The commission shall make recommendations concerning a reduction-in-force policy to the governing body or city manager in a city manager plan of government. The governing body or city manager in a city manager plan of government shall consider such recommendations, but shall not be bound by them in establishing a reduction-in-force policy. Prior to the adoption of a reduction-in-force policy, the governing body or, in the case of a city manager plan, the city manager and the governing body shall, after giving reasonable notice to each police officer and firefighter by first-class mail, conduct a public hearing.

(10) The governing body shall in all municipalities, except those with a city manager plan in which the city manager shall, adopt a reduction-in-force policy which shall consider factors including, but not limited to:

(a) The multiple job skills recently or currently being performed by the employee;

(b) The knowledge, skills, and abilities of the employee;

(c) The performance appraisal of the employee including any recent or pending disciplinary actions involving the employee;

(d) The employment policies and staffing needs of the department together with contracts, ordinances, and statutes related thereto;

(e) Required federal, state, or local certifications or licenses; and

(f) Seniority.

(11) The commission shall keep such records as may be necessary for the proper administration of the Civil Service Act.

Sec. 4. Section 23-1309, Reissue Revised Statutes of Nebraska, is amended to read:

23-1309. It shall be the duty of the county clerk in each county to keep in a separate book or books, entitled Discharge Record, a copy of all discharges or records of separation from active duty from the armed forces of the United States. ~~issued to men or women who served during a period of war as defined in section 90-401.01.~~ Information contained in the Discharge Record shall be confidential and made available only to the veteran, county veterans service officer, or post service officer of a recognized veterans organization.

Sec. 5. Section 23-1310, Reissue Revised Statutes of Nebraska, is amended to read:

23-1310. ~~Such book shall be prepared with blank forms furnished by the Adjutant General, approved by the Attorney General, and corresponding as nearly as possible to the printed forms of discharges or records of separation~~

from active duty from the service of the United States, in the various branches of said service. Any person residing in Nebraska or who entered the service from Nebraska and who served in any branch of the armed forces of the United States, during a period of war as defined in section 80-401.01, may apply for registration of his or her discharge or record of separation in the office of the county clerk where such person resides. No fee shall be charged for recording said such discharge or record of separation. from active duty and the fact of such record, with date, volume, and page, shall be entered upon such discharge or record of separation. An alphabetical index of said record shall be kept by the county clerk as part of the bound volume.

Sec. 6. Section 37-420, Reissue Revised Statutes of Nebraska, is amended to read:

37-420. 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 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 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 and established by the commission pursuant to section 37-327 for the privilege of fishing or hunting in Nebraska, except that such exemption (1) Any veteran of any war as defined in section 80-401.01 who is a legal resident of the State of Nebraska and who was discharged or separated with a characterization of honorable or general (under honorable conditions) shall be exempt from the payment of any fees provided by the laws of the State of Nebraska and established by the commission pursuant to section 37-327 for the privilege of fishing or hunting in Nebraska if the veteran:

(a) Is rated by the 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;

(b) Is receiving a pension from the department as a result of total and permanent disability, which disability was not incurred in the line of duty in the military service; or

(c) Is sixty-five years of age or older.

(2) The exemption described in subsection (1) of this section shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or 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.

(3) If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway.

(4) All permits issued without the payment of any fees pursuant to this section shall be perpetual and become void only upon termination of eligibility as provided in this section.

(5) The commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 7. Section 48-225, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Veteran means 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 or otherwise separated with a characterization of honorable or general (under honorable conditions);

(2) Full-time duty means duty during time of war or during a period recognized by the United States Department of Veterans Affairs as qualifying for veterans benefits administered by the department and that such duty from January 31, 1955, to February 28, 1961, exceeded one hundred eighty days unless lesser duty was the result of a service-connected or service-aggravated disability;

(3) Disabled veteran means an individual who has served on active duty in the armed forces of the United States, has been separated discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) 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 United States Department of Veterans Affairs or a military department; and

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

Sec. 8. Section 48-227, Reissue Revised Statutes of Nebraska, is amended to read:

48-227. Veterans who obtain passing scores on all parts or phases of an examination shall have five points percent added to their passing score if a claim for such points preference is made on the application. An additional five points percent shall be added to the passing score of any disabled veteran.

Sec. 9. Section 48-229, Reissue Revised Statutes of Nebraska, is amended to read:

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 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 may be received from the armed forces of the United States, the United States Department of Veterans Affairs, or the National Archives and Records Administration;

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

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

Sec. 10. Section 60-311.03, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.03. (1) Any resident of this state may, in addition to the application required by section 60-302, make application to the Department of Motor Vehicles for a set of license plates designed by the department to indicate that the applicant for the plates is a survivor of the Japanese attack on Pearl Harbor if he or she:

(a) Was a member of the United States Armed Forces on December 7, 1941;

(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(c) ~~Received an honorable discharge~~ Was discharged or otherwise separated with a characterization of honorable from the United States Armed Forces; and

(d) Holds a current membership in a Nebraska Chapter of the Pearl Harbor Survivors Association.

(2) The plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant fulfills the requirements provided by subsection (1) of this section. Only one motor vehicle owned by the applicant shall be so licensed at any one time.

(3) If the license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement plates upon request and without charge.

Sec. 11. Section 60-311.04, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.04. (1) Any resident of this state who was captured and incarcerated by an enemy of the United States during a period of conflict with such enemy and who ~~received an honorable discharge~~ was discharged or otherwise separated with a characterization of honorable from or is currently serving in the United States Armed Forces may, in addition to the application required in section 60-302, make application to the Department of Motor Vehicles for a set of license plates designed to indicate that the applicant for the plates is a former prisoner of war. The plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant was formerly a prisoner of war. Only one motor vehicle owned by an applicant shall be so licensed at any one time.

(2) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.

Sec. 12. Section 60-311.08, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.08. (1) Any resident of this state who is a veteran of the

United States Armed Forces, who was ~~honorably discharged~~ discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who is classified by the United States Department of Veterans Affairs as one hundred percent service-connected disabled may, in addition to the application required in section 60-302, apply to the Department of Motor Vehicles for a set of license plates designed by the department to indicate that the applicant for the plates is a disabled veteran. The inscription on the plates shall be D.A.V. immediately below the license number to indicate that the applicant for the plates is a disabled veteran. The plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the Department of Motor Vehicles that the applicant is a disabled veteran. Only one motor vehicle owned by the applicant shall be so licensed at any one time.

(2) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates as provided in section 60-324.

Sec. 13. Section 60-3002, Reissue Revised Statutes of Nebraska, is amended to read:

60-3002. In addition to the registration fees provided by Chapter 60, article 3, and the motor vehicle fee imposed in section 60-3007, a motor vehicle tax is imposed on motor vehicles registered for operation upon the highways of this state except:

(1) Motor vehicles exempt from the registration fee in section 60-335;

(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 as defined in section 77-202.23 whose disability or blindness is recognized by the United States Department of Veterans Affairs and who was discharged or otherwise separated with a characterization of honorable if an application for the exemption has been approved under subsection (1) of section 60-3006;

(3) Motor vehicles owned by Indians as defined in 25 U.S.C. 479;

(4) Motor vehicles owned by a member of the United States Armed Forces serving in this state in compliance with military or naval orders if such person is a resident of a state other than Nebraska;

(5) Motor vehicles owned by the state and its governmental subdivisions and exempt as provided in subdivision (1)(a) or (b) of section 77-202;

(6) Motor vehicles owned and used exclusively by an organization or society qualified for a tax exemption provided in subdivision (1)(c) or (d) of section 77-202 if an application for the exemption provided in this subdivision has been approved under subsection (2) of section 60-3006; and

(7) Trucks, truck-trailers, trailers, semitrailers, or combinations thereof registered under section 60-356.

Sec. 14. Section 71-605, Reissue Revised Statutes of Nebraska, is amended to read:

71-605. (1) The funeral director and embalmer in charge of the funeral of any person dying in the State of Nebraska shall cause a certificate of death to be filled out with all the particulars contained in the standard form adopted and promulgated by the Department of Health and Human Services Finance and Support. Such standard form shall include a space for ~~certificate of~~ certificate ~~of~~ veteran status and the period of service in the armed forces of the United States ~~as defined in section 80-401.01~~ and a statement of the cause of death made by a person holding a valid license as a physician who last attended the deceased. The standard form shall also include the deceased's social security number. Death and fetal death certificates shall be completed by the funeral directors and embalmers and physicians for the purpose of filing with the department and providing child support enforcement information pursuant to section 43-3340.

(2) The physician shall have the responsibility and duty to complete and sign in his or her own handwriting, within twenty-four hours from the time of death, that part of the certificate of death entitled medical certificate of death. In the case of a death when no person licensed as a physician was in attendance, the funeral director and embalmer shall refer the case to the county attorney for a death certificate.

No cause of death shall be certified in the case of the sudden and unexpected death of a child between the ages of one week and three years until an autopsy is performed at county expense by a qualified pathologist pursuant to section 23-1824. The parents or guardian shall be notified of the results of the autopsy by their physician, community health official, or county coroner within forty-eight hours. The term sudden infant death syndrome shall

be entered on the death certificate as the principal cause of death when the term is appropriately descriptive of the pathology findings and circumstances surrounding the death of a child.

If the circumstances show it possible that death was caused by neglect, violence, or any unlawful means, the case shall be referred to the county attorney for investigation and certification. The county attorney shall, within twenty-four hours after taking charge of the case, state the cause of death as ascertained, giving as far as possible the means or instrument which produced the death. All death certificates shall show clearly the cause, disease, or sequence of causes ending in death. If the cause of death cannot be determined within the period of time stated above, the death certificate shall be filed to establish the fact of death. As soon as possible thereafter, and not more than six weeks later, supplemental information as to the cause, disease, or sequence of causes ending in death shall be filed with the department to complete the record. For all certificates stated in terms that are indefinite, insufficient, or unsatisfactory for classification, inquiry shall be made to the person completing the certificate to secure the necessary information to correct or complete the record.

(3) A completed death certificate shall be filed with the Department of Health and Human Services Finance and Support within five business days after the date of death. If it is impossible to complete the certificate of death within five business days, the funeral director and embalmer shall notify the department of the reason for the delay and file the certificate as soon as possible.

(4) Before any dead human body may be cremated, a cremation permit shall first be signed by the county attorney, or by his or her authorized representative as designated by the county attorney in writing, of the county in which the death occurred on a form prescribed and furnished by the Department of Health and Human Services Finance and Support.

(5) A permit for disinterment shall be required prior to disinterment of a dead human body. The permit shall be issued by the Department of Health and Human Services Finance and Support to a licensed funeral director and embalmer upon proper application. The request for disinterment shall be made by the next of kin of the deceased, as listed in section 71-1339, or a county attorney on a form furnished by the department. The application shall be signed by the funeral director and embalmer who will be directly supervising the disinterment. When the disinterment occurs, the funeral director and embalmer shall sign the permit giving the date of disinterment and file the permit with the department within ten days of the disinterment.

(6) When a request is made under subsection (5) of this section for the disinterment of more than one dead human body, an order from a court of competent jurisdiction shall be submitted to the Department of Health and Human Services Finance and Support prior to the issuance of a permit for disinterment. The order shall include, but not be limited to, the number of bodies to be disinterred if that number can be ascertained, the method and details of transportation of the disinterred bodies, the place of reinterment, and the reason for disinterment. No sexton or other person in charge of a cemetery shall allow the disinterment of a body without first receiving from the department a disinterment permit properly completed.

(7) No dead human body shall be removed from the state for final disposition without a transit permit issued by the funeral director and embalmer having charge of the body in Nebraska, except that when the death is subject to investigation, the transit permit shall not be issued by the funeral director and embalmer without authorization of the county attorney of the county in which the death occurred. No agent of any transportation company shall allow the shipment of any body without the properly completed transit permit prepared in duplicate.

(8) The interment, disinterment, or reinterment of a dead human body shall be performed under the direct supervision of a licensed funeral director and embalmer, except that hospital disposition may be made of the remains of a child born dead pursuant to section 71-20,121.

(9) All transit permits issued in accordance with the law of the place where the death occurred in a state other than Nebraska shall be signed by the funeral director and embalmer in charge of burial and forwarded to the Department of Health and Human Services Finance and Support within five business days after the interment takes place.

Sec. 15. Section 71-1002, Reissue Revised Statutes of Nebraska, is amended to read:

71-1002. (1) All public officers, agents, and servants of this state, of every county, city, township, district, and other municipal

subdivision thereof, and of every almshouse, prison, morgue, hospital, or other institution, having charge, control, or possession of any dead human body which is not claimed within the time and in the manner provided by this section are required to immediately notify the State Anatomical Board, or such agent, school, college, or person as may be designated by the board, of the dead human body. Such institution shall, without fee or reward, surrender and deliver such dead human body to the board or to such agent, schools, colleges, physicians, and surgeons as may be designated by the board for anatomical use and study.

(2) The notice required by subsection (1) of this section is not required and the body does not have to be delivered to the board if (a) any person claims the body for burial within ten days after death, (b) the deceased was ~~honorably~~ discharged from the military or naval service of the United States, or (c) an autopsy has been performed on the body.

(3) Any person may claim and receive such dead human body from the State Anatomical Board if (a) application in writing is made to the board for such body for the purpose of burial or cremation within thirty days after delivery to the board, (b) such claimant agrees in writing to assume the expense of burial or cremation, and (c) the board determines that such claim has been made in good faith and not for the purpose of claiming social security or other burial benefits payable for burial of the deceased or obtaining payment for the expense of embalming and burying the deceased.

(4) If the duly authorized officer or agent of the board deems any such body unfit for anatomical purposes, he or she shall notify the county commissioners of the county in which the death occurred, and the county commissioners shall then direct some person to take charge of such body and cause it to be buried or cremated. The expense of such burial or cremation shall be fixed and paid by order of the county commissioners from any funds available for such purpose.

Sec. 16. Section 77-202.24, Reissue Revised Statutes of Nebraska, is amended to read:

77-202.24. A mobile home shall be exempt from taxation if it is 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 United States Department of Veterans Affairs as service connected ~~shall be exempt from taxation and who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions).~~

Sec. 17. Section 77-3508, Reissue Revised Statutes of Nebraska, is amended to read:

77-3508. ~~(1)~~ (1) (a) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation, on 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 have a permanent physical disability and have lost all mobility such as to preclude locomotion without the regular use of a mechanical aid or prostheses, and (c) individuals who have undergone amputation of both arms above the elbow or who have a permanent partial disability of both arms in excess of seventy-five percent described in subdivision (b) of this subsection, a percentage of the exempt amount as limited by section 77-3506.03. The exemption shall be based on the household income of a claimant pursuant to subsections (2) through (4) of this section.~~

(b) The exemption described in subdivision (a) of this subsection shall apply to homesteads of:

(i) Veterans as defined in section 80-401.01 who were discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) and who are totally disabled by a non-service-connected accident or illness;

(ii) Individuals who have a permanent physical disability and have lost all mobility so as to preclude locomotion without the regular use of a mechanical aid or prostheses; and

(iii) Individuals who have undergone amputation of both arms above the elbow or who have a permanent partial disability of both arms in excess of seventy-five percent.

(c) Application for such exemption the exemption described in subdivision (a) of this subsection shall include certification from a qualified medical physician for subdivisions ~~(1)-(a)~~ (b) (i) through ~~(e)~~ (b) (iii) of this ~~section~~ subsection or certification from 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)~~ (b) (i) of this ~~section~~ subsection. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

(2) For 2000, for a married or closely related claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 24,700	100
24,701 through 25,900	85
25,901 through 27,100	70
27,101 through 28,300	55
28,301 through 29,500	40
29,501 through 30,700	25
30,701 and over	0

(3) For 2000, for a single claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 21,600	100
21,601 through 22,600	85
22,601 through 23,600	70
23,601 through 24,600	55
24,601 through 25,600	40
25,601 through 26,600	25
26,601 and over	0

(4) For exemption applications filed in calendar year 2001 and each year thereafter, the income eligibility amounts in subsections (2) and (3) of this section shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. The income eligibility amounts shall be adjusted for cumulative inflation since 2000. If any amount is not a multiple of one hundred dollars, the amount shall be rounded to the next lower multiple of one hundred dollars.

Sec. 18. Section 77-3509, Reissue Revised Statutes of Nebraska, is amended to read:

77-3509. (1) (a) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation, on any homestead of ~~(a) any veteran as defined in section 80-401.01 drawing compensation from the United States Department of Veterans Affairs because of one hundred percent disability and not eligible for total exemption under sections 77-3526 to 77-3528 or the unremarried widow or widower of such veteran,~~ (b) ~~the unremarried widow or widower of any veteran, including those not listed in section 80-401.01, who died because of a service-connected disability,~~ (c) ~~the unremarried widow or widower of a serviceman or servicewoman who died while on active duty during the dates described in section 80-401.01, or~~ (d) ~~the unremarried widow or widower of a serviceman or servicewoman, including those not listed in section 80-401.01, whose death while on active duty was service-connected~~ described in subdivision (b) of this subsection, a percentage of the exempt amount as limited by section 77-3506.03.

(b) The exemption described in subdivision (a) of this subsection shall apply to homesteads of:

(i) A veteran described in section 80-401.01 who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), who is drawing compensation from the United States Department of Veterans Affairs because of one hundred percent disability, and who is not eligible for total exemption under sections 77-3526 to 77-3528 or the unremarried widow or widower of a veteran described in this subdivision (i);

(ii) An unremarried widow or widower of any veteran, including a veteran other than a veteran described in section 80-401.01, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) and who died because of a service-connected disability;

(iii) An unremarried widow or widower of a serviceman or servicewoman who died while on active duty during the periods described in section 80-401.01; and

(iv) An unremarried widow or widower of a serviceman or

servicewoman, including a veteran other than a veteran described in section 80-401.01, whose death while on active duty was service-connected.

(c) The exemption described in subdivision (a) of this subsection shall be based on the household income of a claimant pursuant to subsections (2) through (4) of this section. Application for exemption under this section shall include certification of the status set forth in this section from the United States Department of Veterans Affairs.

(2) For 2000, for a married or closely related claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 24,700	100
24,701 through 25,900	85
25,901 through 27,100	70
27,101 through 28,300	55
28,301 through 29,500	40
29,501 through 30,700	25
30,701 and over	0

(3) For 2000, for a single claimant as described in subsection (1) of this section, the percentage of the exempt amount for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 21,600	100
21,601 through 22,600	85
22,601 through 23,600	70
23,601 through 24,600	55
24,601 through 25,600	40
25,601 through 26,600	25
26,601 and over	0

(4) For exemption applications filed in calendar year 2001 and each year thereafter, the income eligibility amounts in subsections (2) and (3) of this section shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. The income eligibility amounts shall be adjusted for cumulative inflation since 2000. If any amount is not a multiple of one hundred dollars, the amount shall be rounded to the next lower multiple of one hundred dollars.

Sec. 19. Section 77-3513, Reissue Revised Statutes of Nebraska, is amended to read:

77-3513. (1) Except as required by section 77-3514, if an owner is granted a homestead exemption as provided in section 77-3507 or 77-3509 or subdivision ~~(1)(b)~~ ~~or (e)~~ (1)(b)(ii) or (iii) of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant qualifies for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision ~~(1)(a)~~ (1)(b)(i) of section 77-3508 to file an application therefor with the county assessor on or before June 30 of each year. Failure to do so shall constitute a waiver of the exemption for such year, except that the county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before July 20 of each year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.

Sec. 20. Section 77-3514, Reissue Revised Statutes of Nebraska, is amended to read:

77-3514. 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)~~ (1)(b)(i) of section 77-3508, shall certify to the county assessor on or before June 30 of each year that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. The county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before July 20 of each year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year. 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, or rating by 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. The certificate shall require the attachment of an income statement as prescribed by the Tax Commissioner fully accounting for all household income. The certification and the information contained on any attachments to the certification shall be confidential and available to tax officials only. 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. 21. Section 80-102, Reissue Revised Statutes of Nebraska, is amended to read:

80-102. (1) (a) The county veterans service committee shall meet at least once each year or on call of the chairperson or of any three members of the committee. It shall determine the amount it considers necessary for providing aid, including food, shelter, fuel, wearing apparel, medical or surgical aid, or funeral expenses, for ~~(a) persons who served in the armed forces of the United States during a period of war as defined in section 80-401.01 or during a period of actual hostilities in any war or conflict in which the United States Government was engaged prior to April 6, 1917, and who are in need of such aid and have legal residence in the State of Nebraska for a period of not less than one year and in the county in which application is made for a period of not less than six months,~~ ~~(b) husbands and wives,~~ ~~surviving spouse,~~ and ~~minor children under eighteen years of age of such veterans,~~ and ~~(c) the county veterans service committee to apply for payment of expenses of last illness and burial when an eligible veteran or surviving spouse passes away leaving no next of kin~~ the purposes identified in subdivisions (b) and (c) of this subsection. The county veterans service committee shall certify the amount so determined to the county board, which amount shall be reviewed and considered by the county board in making a levy for an aid fund.

(b) The county veterans service committee shall determine the amount of aid described in subdivision (a) of this subsection for persons who are in need of the aid and who:

(i) Served in the armed forces of the United States during a period of war as defined in section 80-401.01 or during a period of actual hostilities in any war or conflict in which the United States Government was engaged prior to April 6, 1917;

(ii) Were discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) or died while in service or as a direct result of that service; and

(iii) Have legal residence in the State of Nebraska for a period of not less than one year and in the county in which application is made for a period of not less than six months.

(c) The county veterans service committee shall determine the amount of aid described in subdivision (a) of this subsection for:

(i) Husbands and wives, surviving spouses, and minor children under eighteen years of age of veterans described in subdivision (b) of this subsection; and

(ii) Payment of expenses of last illness and burial when a veteran described in subdivision (b) of this subsection or a surviving spouse described in subdivision (c) (i) of this subsection passes away leaving no next of kin.

(2) The county board of each county shall annually make such levy or

levies as needed to raise the required aid fund referred to in subsection (1) of this section as the county board determines is necessary, not exceeding one cent on each one hundred dollars upon the taxable value of all the taxable property of such county. Any unexpended balance of the aid fund at the end of any fiscal year shall remain in the fund, without reappropriation, for future use. The committee or a majority thereof shall fix the amount to be paid to each claimant, subject to any amounts in the aid fund, and promptly disburse the same to or for the benefit of the claimant. The county clerk shall issue a warrant to the committee or to the county veterans service officer as directed by the committee upon the county treasurer for such amount as the committee shall from time to time request and as amounts in the aid fund permit. The committee shall at the end of each year make a detailed report of its transactions to the county board. Such reports shall be accompanied with vouchers for all money disbursed.

Sec. 22. Section 80-104, Reissue Revised Statutes of Nebraska, is amended to read:

80-104. It shall be the duty of the county veterans service committee to cause to be decently interred the body of any person who has been ~~honorably~~ discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) from any arm of the military or naval service of the United States, has served during a period of war, as defined in section 80-401.01, or during a period of actual hostilities in any war or conflict in which the United States Government was engaged prior to April 6, 1917, and may hereafter die without leaving sufficient means to defray his or her funeral expenses. Such burials should not be made in any cemetery or burial grounds used exclusively for the burial of pauper dead. If surviving relatives of the deceased shall desire to conduct the funeral, they shall be permitted to do so.

Sec. 23. Section 80-105, Reissue Revised Statutes of Nebraska, is amended to read:

80-105. The grave of any ~~such~~ deceased person described in section 80-104 who served in the armed forces of the United States during a period of war as defined in section 80-401.01 or during a period of actual hostilities in any war or conflict in which the United States Government was engaged prior to April 6, 1917, shall be marked by a headstone containing the name of the deceased and the organization to which he or she belonged or in which he or she served. ~~The + PROVIDED, it shall be the duty of the county veterans service committee, upon the death and burial of any such person residing within such county at the time of his or her death, to shall make application to the proper authorities of the government of the United States for a suitable headstone, as provided by Act of Congress, and cause the same to be placed at the head of such the deceased person's grave.~~

Sec. 24. Section 80-106, Reissue Revised Statutes of Nebraska, is amended to read:

80-106. The expenses of ~~such~~ burial under section 80-104 shall be paid by the county in which such veteran maintained his or her legal residence at time of death. The county board of such county is authorized and directed to audit the account and pay the expenses in similar manner as other accounts against such county are audited and paid.

Sec. 25. Section 80-107, Reissue Revised Statutes of Nebraska, is amended to read:

80-107. (1) The county boards of the several counties in this state shall, upon the application of the county veterans service committee, procure for and furnish to ~~said~~ such committee some suitable and appropriate metal marker for the grave of each and every person ~~who served in the armed forces of the United States during a period of war as defined in section 80-401.01 or during a period of actual hostilities in any war or conflict in which the United States Government was engaged prior to April 6, 1917, and who is buried within such county~~ described in subsection (2) of this section, to be placed on the grave of such soldier for the purpose of permanently marking and designating the grave for memorial purposes.

(2) A grave shall be marked pursuant to this section if the deceased person:

(a) Served in the armed forces of the United States during a period of war as defined in section 80-401.01 or during a period of actual hostilities in any war or conflict in which the United States Government was engaged prior to April 6, 1917;

(b) Was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions); and

(c) Is buried within the county.

Sec. 26. Section 80-316, Reissue Revised Statutes of Nebraska, is amended to read:

80-316. (1) The purpose of the Division of Veterans Homes is to provide domiciliary and nursing home care and subsistence to:

(a) All ~~(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 and who were discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) if, at the time of making an application for admission to one of the Nebraska veterans homes:

(i) The ~~and (a)~~ the applicant has been a bona fide resident of the State of Nebraska for at least two years;

(ii) The ~~and (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

(iii) The ~~and (c)~~ the applicant's income from all sources is such that the 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;

(b) The ~~and (2)~~ 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;

(c) Subject to subsection (2) of this section, ~~(3) to~~ the surviving spouses and parents of eligible servicemen and servicewomen as defined in subdivision ~~(1) (a)~~ (a) of this ~~section~~ subsection who died while in the service of the United States or who have since died of a service-connected disability as determined by the United States Department of Veterans Affairs; and

(d) Subject to subsection (2) of this section, ~~and (4) to~~ the surviving spouses of eligible servicemen or servicewomen as defined in subdivision ~~(1) (a)~~ (a) of this ~~section~~ subsection who have since died.

(2) The ~~and if~~ the surviving spouses and parents referred to in subdivision ~~(3) or (4)~~ (1) (c) or (d) of this section shall be eligible for such care and subsistence if, at the time of applying, they:

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

(b) Have ~~have~~ attained the age of fifty years;

(c) Are ~~are~~ unable to earn a livelihood; and

(d) Are ~~and are~~ dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution.

(3) No one admitted to one of the Nebraska veterans homes under conditions enumerated in this section shall have a vested right to continued residence in such home if such person ceases to meet any of the eligibility requirements of this section, except that 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 the homes.

Sec. 27. Section 80-318, Reissue Revised Statutes of Nebraska, is amended to read:

80-318. For the purpose of determining continued eligibility of members to remain in one of the Nebraska veterans homes and for the purpose of recommending matters of policy, rules and regulations, administration, and maintenance pertaining to the Nebraska veterans homes, the Board of Inquiry and Review is established. The board shall be composed of the department commander and immediate past commander of each of the recognized veterans organizations in Nebraska ~~as defined by~~ identified in subdivision (1) of section 80-401.01 and the Director of Veterans' Affairs who shall serve as the permanent board secretary. If a commander or immediate past commander of any such veterans organizations is unavailable to attend a meeting of the board or unable to serve for any reason, the incumbent department commander of such organization may appoint some other member of his or her organization to serve on the board in the absence of the department commander or the immediate past department commander, or both. Any of the veterans organizations mentioned in this section may appoint two representatives of their organization to serve on the board in place of the department commander and immediate past department commander. Such representatives shall be selected in the manner and serve for such term as the veterans organization may prescribe. No salary shall be paid to any member of the board, but actual expenses of the members of the board when attending regularly called meetings of that board shall be paid as provided in sections 81-1174 to 81-1177 from the administrative funds of the Department of Veterans' Affairs.

Sec. 28. Section 80-325, Reissue Revised Statutes of Nebraska, is amended to read:

80-325. The administrator of the Nebraska veterans homes shall be a licensed nursing home administrator licensed under sections 71-6053 to 71-6068. Qualified applicants for the position of administrator who ~~have~~

served honorably in were discharged or otherwise separated with a characterization of honorable from the armed forces of the United States during a period of war as defined in section 80-401.01 shall be given a preference over other applicants.

Sec. 29. Section 80-401.01, Reissue Revised Statutes of Nebraska, is amended to read:

80-401.01. For purposes of sections 80-401 to 80-412, unless the context otherwise requires:

(1) Recognized veterans organization means the American Legion, the American Ex-Prisoners of War, the Disabled American Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Veterans of Foreign Wars of the United States, the Vietnam Veterans of America, and any other veterans organization which the Director of Veterans Affairs determines (a) is recognized by the United States Department of Veterans Affairs for claims representation, (b) has a presence in each of this state's congressional districts, and (c) maintains a state headquarters sanctioned by its national organization;

(2) Veteran of the Spanish-American War means a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(3) Veteran of World War I means a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(4) Veteran of World War II means a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war; and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Korean War means a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war; and who received an honorable discharge, or its equivalent, from such service;

(6) Veteran of the Vietnam War means a person (a) who served on active duty in the armed forces of the United States (i) between August 5, 1964, and May 7, 1975, or (ii) in the Republic of Vietnam between February 28, 1961, and May 7, 1975, and (b) who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war; and who received an honorable discharge, or its equivalent, from such service;

(7) Veteran of Lebanon means a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war; and who received an honorable discharge, or its equivalent, from such service;

(8) Veteran of Grenada means a person who served on active duty in the armed forces of the United States between October 23, 1983, and November 23, 1983, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war; and who received an honorable discharge, or its equivalent, from such service;

(9) Veteran of Panama means a person who served on active duty in the armed forces of the United States between December 20, 1989, and January 31, 1990, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war; and who received an honorable discharge, or its equivalent, from such service;

(10) Veteran of the Persian Gulf War means a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war; and who received an honorable discharge, or its equivalent, from such service;

(11) Active duty means full-time duty in the armed forces other than active duty for training; and

(12) Active duty for training means full-time duty in the armed forces performed by reserves for training purposes.

Sec. 30. Section 80-401.02, Revised Statutes Supplement, 2004, is amended to read:

80-401.02. There is hereby created a department of government to be known as the Department of Veterans' Affairs. The chief administrative officer of the department shall be the director to be known as the Director of Veterans' Affairs. He or she shall be appointed by the Governor, subject to confirmation by the Legislature. No person shall be eligible to receive appointment as director unless such person has the following qualifications: (1) Resident of the State of Nebraska for at least five years immediately prior to his or her appointment; (2) citizen of the United States; and (3) served in the armed forces of the United States during the dates set forth any of the periods identified in section 80-401.01, and honorably discharged or otherwise separated with a characterization of honorable from such service. The director shall serve until a new director to succeed him or her is appointed and has qualified. If a vacancy occurs in the office of director when the Legislature is not in session, the Governor shall make a temporary appointment until the next meeting of the Legislature, when the Governor shall present to the Legislature a recommendation for the office. The director shall receive an annual salary to be fixed by the Governor, payable in equal monthly installments. He or she shall be entitled to the necessary and actual expenses involved in the performance of his or her official duties as provided in sections 81-1174 to 81-1177. He or she shall be bonded or insured as required by section 11-201. The director shall appoint state service officers and assistants, whose appointments shall be approved by the Veterans' Advisory Commission.

The department shall be the designated state agency to advocate on behalf of veterans.

Sec. 31. Section 80-401.03, Reissue Revised Statutes of Nebraska, is amended to read:

80-401.03. (1) 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 and their dependents. For purposes of this section, veteran means any person who served on active duty in the armed forces of the United States, other than active duty for training, who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in a period of conflict pursuant to section 80-401.01 and who received an honorable discharge, or its equivalent, from such service.

(2) The director, the deputy director, or a designee of the director 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. 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. 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.

(3) 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 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 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.

(4) For purposes of this section, veteran means any person who:

(a) Served on active duty in the armed forces of the United States, other than active duty for training, and who:

(i) Was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) from such service; or

(ii) Died while in service or as a direct result of such service; or

(b) Being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States during any period identified in section 80-401.01 and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions).

Sec. 32. Section 80-401.06, Reissue Revised Statutes of Nebraska, is amended to read:

80-401.06. There is hereby created the Veterans' Advisory Commission, which shall consist of five members who shall be appointed by the Governor. No person shall be eligible to receive appointment as a member unless he ~~has~~ ~~(1) been~~ or she (1) has been a resident of the State of Nebraska for at least five years immediately prior to his or her appointment, ~~(2) has served in the armed forces of the United States during the dates set forth in section 80-401.01,~~ and was ~~honorably discharged~~ ~~discharged or otherwise separated with a characterization of honorable from such service,~~ ~~(3) is a member of a recognized veterans organization.~~ Such membership shall be certified to the Governor annually by the department adjutant of the recognized veterans organization. The Governor shall appoint one member of the Veterans' Advisory Commission from each of the three congressional districts in the state as the districts were constituted on January 1, 1962, and the fourth and fifth members shall be selected at large.

Sec. 33. Section 80-410, Reissue Revised Statutes of Nebraska, is amended to read:

80-410. (1) The Director of Veterans' Affairs, all members of the Veterans' Advisory Commission, all state service officers, all assistant state service officers, all county veterans service officers, all members of the county veterans service committees and all personnel, except certain special and clerical help, of the state and county veterans service offices, shall have served in the armed forces of the United States during the dates set forth in section 80-401.01, shall have been honorably discharged or otherwise separated with a characterization of honorable from such service, and shall have been bona fide residents of the State of Nebraska continuously for at least five years immediately prior to their assuming a position in any of the offices mentioned.

(2) All members of the county veterans service committees and all personnel, except certain special and clerical help, of the county veterans service offices shall have all of the qualifications described in subsection (1) of this section, except that such persons may have been discharged or otherwise separated with a characterization of general (under honorable conditions).

Sec. 34. Section 80-412, Reissue Revised Statutes of Nebraska, is amended to read:

80-412. The Director of Veterans' Affairs shall make and preserve by counties a permanent registry of the graves of all persons who shall have served in the armed forces of the United States ~~in time of war,~~ ~~as defined in section 80-401.01,~~ and whose mortal remains rest in Nebraska. The county veterans service officer of each county shall be charged with securing the information requested by the Director of Veterans' Affairs of every person having a service record buried in that county and immediately forwarding such information to the office of the director. Such information shall be secured from the undertaker in charge of the burial and shall be transmitted by him or her to the county veterans service officer of the county where burial is made and shall be recorded alphabetically and by description of location in the cemetery where buried, in a book as prescribed by the director and kept for that purpose in the office of the county veterans service officer.

Sec. 35. Sections 1 to 5, 10 to 13, 15, 21 to 28, 30 to 34, and 36

of this act become operative on July 1, 2004. The other sections of this act become operative on their effective date.

Sec. 36. Original sections 12-104, 19-1830, 23-1309, 23-1310, 60-311.03, 60-311.04, 60-311.08, 60-3002, 71-1002, 80-102, 80-104 to 80-107, 80-316, 80-318, 80-325, 80-401.03, 80-401.06, 80-410, and 80-412, Reissue Revised Statutes of Nebraska, and sections 12-1301 and 80-401.02, Revised Statutes Supplement, 2004, are repealed.

Sec. 37. Original sections 37-420, 48-225, 48-227, 48-229, 71-605, 77-202.24, 77-3508, 77-3509, 77-3513, 77-3514, and 80-401.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 38. The following section is outright repealed: Section 81-1393, Reissue Revised Statutes of Nebraska.

Sec. 39. Since an emergency exists, this act takes effect when passed and approved according to law.