

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 488**

FINAL READING

Introduced by Gloor, 35; Avery, 28; Price, 3.

Read first time January 20, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend section 80-316, Reissue  
2 Revised Statutes of Nebraska; to change provisions  
3 relating to eligibility for domiciliary and nursing home  
4 care and subsistence; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 80-316, Reissue Revised Statutes of  
2 Nebraska, 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 ~~during a period of war as defined~~  
8 ~~in section 80-401.01~~ other than active duty for training and who  
9 were discharged or otherwise separated with a characterization of  
10 honorable or general (under honorable conditions) if, at the time  
11 of making an application for admission to one of the Nebraska  
12 veterans homes:

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

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

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

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

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

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

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

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

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

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

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

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

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1 member of one of the homes.

2                   Sec. 2. Original section 80-316, Reissue Revised Statutes

3 of Nebraska, is repealed.