

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 488**

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 in the armed forces of  
7 the United States during a period of war as defined in section  
8 ~~80-401.01~~ and who were discharged or otherwise separated with  
9 a characterization of honorable or general (under honorable  
10 conditions) if, at the time of making an application for admission  
11 to one of the Nebraska veterans homes:

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

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

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

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

25           (c) Subject to subsection (2) of this section,

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

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

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

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

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

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

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

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

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1                   Sec. 2. Original section 80-316, Reissue Revised Statutes  
2 of Nebraska, is repealed.