

E AND R AMENDMENTS TO LB 419

Introduced by Guereca, 7, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 **Section 1.** Section 80-316, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 80-316 (1) The department shall provide long-term care domiciliary
6 ~~and nursing home care and subsistence~~ to:

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

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

16 (ii) The applicant is in need of long-term care available at one of
17 the Nebraska veterans homes; ~~has become disabled due to service, old age,~~
18 ~~or otherwise to an extent that it would prevent such applicant from~~
19 ~~earning a livelihood; and~~

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

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

27 (c) Subject to subsection (2) of this section, the surviving spouses

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

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

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

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

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

14 ~~(b) (c) Are unable to earn a livelihood. ; and~~

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

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

23 **Sec. 2.** Section 80-401.03, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 80-401.03 (1) The Director of Veterans' Affairs shall be responsible
26 for the administration of the income funds from the Nebraska Veterans'
27 Aid Fund for the aid of needy veterans and their dependents.

28 (2) The Director of Veterans' Affairs, the deputy director, or a
29 designee of the director shall receive and approve for payment or
30 disapprove applications for aid which shall originate with ~~in~~ any local
31 post service officer of any recognized veterans organization, ~~or~~ with a

1 county veterans service officer, or with a state service officer. An
2 applicant may only submit one claim within any thirty-day period, except
3 that there may be an additional application for funeral expenses. If
4 ~~there are two or more local posts of one or more recognized veterans~~
5 ~~organizations in any community, no claimant can originate a claim in more~~
6 ~~than one such post at any given time and a period of at least thirty days~~
7 ~~shall elapse between the filing of claims.~~ An application shall not be
8 deemed to be filed until it has been received and filed in the office of
9 the Director of Veterans' Affairs. The director may adopt and promulgate
10 such rules and regulations as may be necessary for administering such
11 aid.

12 (3) No part of the interest accumulation of the Nebraska Veterans'
13 Aid Fund shall be expended for the purpose of organizing and maintaining
14 any veterans organization. There shall be expended under the direction of
15 the Director of Veterans' Affairs such sum or sums as may be specifically
16 appropriated by the Legislature for the employment of necessary
17 assistants or deputies and clerical employees at such reasonable
18 compensation as may be fixed by the director in each particular case and
19 for the maintenance and expenses of a state service office with necessary
20 service officers and assistants to prepare and present meritorious cases
21 of ex-servicemen and ex-servicewomen for benefits before the United
22 States Department of Veterans Affairs. Such cases shall be accepted by
23 the state service officer on behalf of any claimant when a proper power
24 of attorney is given by such claimant to the office of the Director of
25 Veterans' Affairs or to a state service officer, if he or she is so
26 designated by any recognized veterans organization as its sole
27 representative, and regardless of where the cases originate. No part of
28 such sum or sums is to be paid out of the twelve-million-dollar trust
29 fund or the income therefrom. Upon the completion of the trust, the
30 principal fund so held by the State Treasurer shall revert to the
31 treasury of the state.

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

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

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

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

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

12 **Sec. 3.** Original sections 80-316 and 80-401.03, Reissue Revised
13 Statutes of Nebraska, are repealed.