

## ENGROSSED LEGISLATIVE BILL 419

Introduced by Lonowski, 33; Andersen, 49; Cavanaugh, J., 9; Kauth, 31; McKeon, 41.

A BILL FOR AN ACT relating to veterans; to amend sections 80-316 and 80-401.03, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for admission to veterans homes and veterans aid; to harmonize provisions; and to repeal the original sections.

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

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

80-316 (1) The department shall provide long-term care to:

(a) All persons who either served on active duty in the armed forces of the United States, other than active duty for training, or served on active duty in the Nebraska National Guard, including active duty for training, 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 applicant has been a bona fide resident of the State of Nebraska for at least two years; and

(ii) The applicant is in need of long-term care available at one of the Nebraska veterans homes;

(b) The spouse of any such person admitted to one of the homes who 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, the surviving spouses and parents of eligible servicemen and servicewomen as defined in subdivision (a) of this 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, the surviving spouses of

eligible servicemen or servicewomen as defined in subdivision (a) of this subsection who have since died.

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

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

(b) Are unable to earn a livelihood.

(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. 2.** 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.

(2) The Director of Veterans' Affairs, the deputy director, or a designee of the director shall receive and approve for payment or disapprove applications for aid which shall originate with any local post service officer of any recognized veterans organization, with a county veterans service officer, or with a state service officer. An applicant may only submit one claim within any thirty-day period, except that there may be an additional application for funeral expenses. 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 of Veterans' Affairs 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 of Veterans' Affairs 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. 3.** Original sections 80-316 and 80-401.03, Reissue Revised Statutes of Nebraska, are repealed.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 419 was passed by the One Hundred Ninth  
Legislature of Nebraska at its First Session on the ..... day  
of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**