

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 419

FINAL READING

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

Read first time January 17, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to veterans; to amend sections 80-316 and
- 2 80-401.03, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to eligibility for admission to veterans homes
- 4 and veterans aid; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 80-316 (1) The department shall provide long-term care domiciliary
4 ~~and nursing home care and subsistence~~ to:

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

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

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

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

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

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

30 (d) Subject to subsection (2) of this section, the surviving spouses
31 of eligible servicemen or servicewomen as defined in subdivision (a) of

1 this subsection who have since died.

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

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

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

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

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

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

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

19 80-401.03 (1) The Director of Veterans' Affairs shall be responsible
20 for the administration of the income funds from the Nebraska Veterans'
21 Aid Fund for the aid of needy veterans and their dependents.

22 (2) The Director of Veterans' Affairs, the deputy director, or a
23 designee of the director shall receive and approve for payment or
24 disapprove applications for aid which shall originate with ~~in~~ any local
25 post service officer of any recognized veterans organization, ~~or~~ with a
26 county veterans service officer, or with a state service officer. An
27 applicant may only submit one claim within any thirty-day period, except
28 that there may be an additional application for funeral expenses. If
29 ~~there are two or more local posts of one or more recognized veterans~~
30 ~~organizations in any community, no claimant can originate a claim in more~~
31 ~~than one such post at any given time and a period of at least thirty days~~

1 ~~shall elapse between the filing of claims.~~ An application shall not be
2 deemed to be filed until it has been received and filed in the office of
3 the Director of Veterans' Affairs. The director may adopt and promulgate
4 such rules and regulations as may be necessary for administering such
5 aid.

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

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

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

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

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

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

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