

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 419**

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. If  
27 there are two or more local posts of one or more recognized veterans  
28 organizations in any community, no claimant can originate a claim in more  
29 than one such post at any given time and, with the exception of an  
30 application for funeral expenses, a period of at least thirty days shall  
31 elapse between the filing of claims. An application shall not be deemed

1 to be filed until it has been received and filed in the office of the  
2 Director of Veterans' Affairs. The director may adopt and promulgate such  
3 rules and regulations as may be necessary for administering such aid.

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

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

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

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

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

30 (b) Being a citizen of the United States at the time of his or her  
31 entry into such service, served with the military forces of any

1 government allied with the United States during any period identified in  
2 section 80-401.01 and was discharged or otherwise separated with a  
3 characterization of honorable or general (under honorable conditions).

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