

LEGISLATIVE BILL 90

Approved by the Governor February 22, 1975

Introduced by R. Maresh, 32

AN ACT to amend sections 23-1114, 80-301, 80-401.01, 80-411, and 80-803, Revised Statutes Supplement, 1974, relating to veterans; to eliminate the requirement that veterans' service officers' salaries be set by the county board; to allow certain individuals admission to the Nebraska Veterans' Home; to change certain eligibility dates; to change certain tuition assistance provisions; and to repeal the original sections.

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

Section 1. That section 23-1114, Revised Statutes Supplement, 1974, be amended to read as follows:

23-1114. (1) The salaries of all elected officers of the county ~~and appointive full-time veterans' service-officers~~ shall be fixed by the county board at least sixty days prior to the closing of filings of certificates of nomination to place names on the primary ballot for the respective offices, except as provided in section 32-310.01; Provided, that the salaries of the probation officers judicially appointed under section 43-207 shall be fixed by the judges making such appointment.

(2) The salaries of all deputies in the offices of the elected officers and appointive full-time veterans' service officers of the county shall be fixed by the county board at such times as necessity may require.

Sec. 2. That section 80-301, Revised Statutes Supplement, 1974, be amended to read as follows:

80-301. There shall be established and maintained by the State of Nebraska an institution to be known as the Nebraska Veterans' Home, the object of which shall be to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed forces of the United States during a period of war as defined in section 80-401.01; Provided, that at the time of making his application for admission to such home (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years; (b) he has become

disabled due to service, old age, or otherwise to an extent that it would prevent him from earning a livelihood; and (c) his income from all sources is such that he would be dependent wholly or partially upon public charities for support, or the type of care needed is available only at a state institution; (2) to the wife of any such person admitted to such home, who has attained the age of fifty years and has been married to such member for at least two years before her entrance into the home; (3) to the widows, and mothers, and fathers of eligible servicemen and women, as defined in subdivision (1) of this section, who died while in the service of the United States, or who have since died of a service connected disability as determined by the Veterans Administration; and (4) to the widows of eligible servicemen, as defined in subdivision (1) of this section, who have since died; Provided, such widows, and mothers, and fathers referred to in subdivision (3) or (4) of this section shall, at the time of applying, have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, be unable to earn a livelihood, and be dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution. No one admitted to the home under conditions herein enumerated shall have a vested right to a continued residence in such home if such person shall cease to meet any of the above eligibility requirements; Provided, no woman who has been regularly admitted shall be denied continued residence solely because of her marriage to a member of the home; and provided further, that veterans, wives, widows, and mothers, and fathers admitted to the Nebraska Veterans' Home under the provisions of this section, who have an income in excess of forty dollars per month, including federal pension, compensation, social security, or have sufficient assets will be required to reimburse the state monthly a reasonable amount for the expense of their maintenance, this amount to be determined by the Board of Inquiry and Review; and provided further, all money paid to the state by members of the Nebraska Veterans' Home in compliance with this section will be deposited in the Institutional Cash Fund for the Nebraska Veterans' Home. Any money in the Veterans' Home Building Fund or the Institutional Cash Fund for the Nebraska Veterans' Home available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 3. That section 80-401.01, Revised Statutes Supplement, 1974, be amended to read as follows:



80-401.01. As used in this act, unless the context otherwise requires:

(1) A recognized veterans' organization shall mean a veterans' organization that has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters and which, at the time an appointment is to be made, shall have enrolled in its membership in Nebraska at least ten per cent of the World War I, World War II, Korean War and Vietnam War veterans eligible therefor; Provided, that the Disabled American Veterans organization shall have enrolled in its membership in Nebraska at least ten per cent of those Nebraska veterans receiving service-connected compensation from the Veterans Administration;

(2) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his entry into such service, served with the military forces of any government allied with the United States in that war;

(3) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States between December 7, 1941, and ~~September--27, 1945~~ December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(4) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United States between June 25, 1950, and ~~July--27,--1953~~ January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Vietnam War shall mean a person who served on active duty, other than for training purposes, for thirty days or more, unless discharged for a service incurred disability, in the armed forces of the United States between August 5, 1964, and the date set by the Congress of the United States on cessation of

hostilities in Vietnam, and who received an honorable discharge, or its equivalent, from such service; or who, being a citizen of the United States at the time of his entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service; and

(6) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his entry into such service, served with the military forces of any government allied with the United States in that war.

Sec. 4. That section 80-411, Revised Statutes Supplement, 1974, be amended to read as follows:

80-411. All tuition shall be waived by the University of Nebraska, the state colleges, and the technical community colleges on behalf of any child, resident of this state, whose father was a member of the armed forces of the United States and who ~~was--killed--in action~~ died of a service-connected disability in World War I as defined in section 80-401.01, or who ~~was--killed in-action~~ died of a service-connected disability on December 7, 1941 or subsequently until such future date as the Legislature shall determine or who died subsequent to his discharge as a result of injury or illness sustained while a member of the armed forces which may or may not have resulted in total disability. Such tuition shall similarly be waived on behalf of any child whose mother or father is totally disabled as a result of military service during such periods, or whose mother or father: (1) While a member of the armed forces of the United States is classified as missing in action or as a prisoner of war during armed hostilities after August 4, 1964; and (2) either (a) was a resident of this state at the time he entered the armed forces; or (b) is a resident of, or is married to a resident of, this state at the time such person would attend such state educational institution under the provisions of this section. Application for such waiver shall be submitted through one of the recognized veterans' organizations or any county service officer on a form to be prescribed by the Director of Veterans' Affairs, which organization, or county service officer, shall thoroughly investigate to determine if the applicant is eligible for such waiver and transmit its or his recommendation for action thereon to the Director of Veterans' Affairs. Residence requirements for such waiver shall be the same as



provided in section 80-403. If the Director of Veterans' Affairs determines that the applicant is eligible for such waiver, he shall so certify to the institution in which the applicant desires to enroll. The decision of the Director of Veterans' Affairs shall, in the absence of fraud or misrepresentation on the part of the applicant, be final and shall be binding upon the applicant and upon the institutions specified in this section. Such waiver shall be valid only while the child is pursuing a course of study leading to a baccalaureate degree or a diploma from any technical community college. The Director of Veterans' Affairs shall adopt reasonable rules and regulations for the administration of the provisions of this section. Such waiver of tuition shall be equally available to a wife, widow, or widower of a veteran who meets the requirements set forth in this section as to the mother or father of an entitled child. For the purposes of this section, a person shall be a child until he reaches age twenty-six, unless the eligible person serves on duty with the armed forces after his eighteenth birthday but before his twenty-sixth birthday, in which case such period shall end five years after his first discharge or release from such duty with the armed forces, but in no event shall such period be extended beyond his thirty-first birthday. Child shall also include legally adopted children and stepchildren.

Sec. 5. That section 80-803, Revised Statutes Supplement, 1974, be amended to read as follows:

80-803. (1) The financial assistance provided for by sections 80-801 to 80-806 shall consist of tuition loans to qualified veterans enrolled in an approved course of training, which loans shall be made by the Department of Veterans' Affairs from such amounts as are appropriated from the General Fund for such specific purpose. ~~A maximum of two hundred such loans shall be made each fiscal year.~~

(2) The amount of financial assistance under sections 80-801 to 80-806 shall be limited to the tuition cost as determined by the approved institution of higher learning.

(3) Except as provided in section 80-804, repayment of principal together with interest thereon shall be made over a period commencing nine months after the date on which the maker leaves an approved course of training and ending ten years and nine months after such date.

(4) Tuition loans made under sections 80-801 to 80-806 shall bear interest at the rate of five per cent

per year from the date of the loan.

(5) Repayment of principal, together with interest thereon, shall be made in equal quarterly, bimonthly, or monthly installments, unless the maker elects to make payment in graduated installments in accordance with such schedules as may be approved by the Department of Veterans' Affairs. Such repayments shall be calculated so that the maker shall repay the total principal amount at the rate of not less than eighty-three and one-third hundredths per cent per month.

Sec. 6. That original sections 23-1114, 80-301, 80-401.01, 80-411, and 80-803, Revised Statutes Supplement, 1974, are repealed.