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February 3, 2005 LB 54

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Schimek, you're recognized to open on LB 54.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. I rise for the purpose of introducing LB 54. And some of you who were here in the body last year remember that at one point the Attorney General was asked to offer an opinion on the term "honorably discharged" or its equivalent in relationship to veterans' benefits. And in that opinion, the Attorney General opined that there's no equivalent to an honorable discharge and, therefore, veterans with a general discharge under honorable conditions are not eligible for certain benefits. So last session then, the Government, Military and Veterans Affairs Committee introduced LR 399 to study the issue of veterans' benefits in response to that AG Opinion. This past interim the committee held two public hearings, one in Norfolk and one in Omaha, and we had really tremendous input and participation in those hearings. A number of veterans' service officers from throughout the state attended. After the hearings, the Government Committee decided the best policy decision was to restore the long-standing policy of allowing veterans with general discharges under honorable conditions to receive benefits. Now I want you to know that this was a 60-year tradition of offering those benefits to those with general discharges under honorable conditions. So LB 54 is a result of that decision to allow that tradition to continue and, just as an aside, just as a way of background, I might tell you that the whole Veterans' Aid Fund came about because Nebraskans chose not to give bonuses to their veterans when they were released from the service. Rather, they decided to set up this fund, which would perpetuate itself and be there to help veterans as time went on. So that's how we built the fund. Although the Attorney General's Opinion dealt specifically with the eligibility for the Nebraska Veterans' Aid Fund, many sections of statute dealing with veterans' benefits use the same language, which was called into the question by the opinion, such as that language in the homestead exemption statutes and those dealing with eligibility for admission to the state veterans' homes. When we started drafting this legislation, we realized there were many sections of statutes which use languages...language referencing military discharges. LB 54