

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 115**

Introduced by Louden, 49.

Read first time January 09, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the State Veteran Cemetery System; to amend  
2 section 12-1301, Reissue Revised Statutes of Nebraska; to  
3 eliminate the Nebraska Veterans Cemetery Advisory Board;  
4 and to repeal the original section.

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

1           Section 1. Section 12-1301, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           12-1301 (1) The Director of Veterans' Affairs may  
4 establish and operate a state veteran cemetery system consisting  
5 of a facility in Box Butte County, a facility in Sarpy County,  
6 and the Nebraska Veterans' Memorial Cemetery in Hall County. The  
7 director may seek and expend private, state, and federal funds for  
8 the establishment, construction, maintenance, administration, and  
9 operation of the cemetery system as provided in this section. Any  
10 gift, bequest, or devise of real property for the cemetery system  
11 shall be subject to the approval requirements of section 81-1108.33  
12 notwithstanding the value of the real property. All funds received  
13 for the construction of the cemetery system shall be remitted to  
14 the State Treasurer for credit to the Veteran Cemetery Construction  
15 Fund. Any funds remaining in the Veteran Cemetery Construction Fund  
16 following the completion of construction of the three facilities  
17 comprising the state veteran cemetery system shall upon such  
18 completion be transferred to the Nebraska Veteran Cemetery System  
19 Endowment Fund, and the Veteran Cemetery Construction Fund shall  
20 thereafter terminate.

21           (2)(a) A trust fund to be known as the Nebraska Veteran  
22 Cemetery System Endowment Fund is hereby created. The fund shall  
23 consist of:

24           (i) Gifts, bequests, grants, or contributions from  
25 private or public sources designated for the maintenance,

1 administration, or operation of the state veteran cemetery system;

2 (ii) Any funds transferred from the Veteran Cemetery  
3 Construction Fund following the completion of construction of the  
4 three facilities comprising the state veteran cemetery system; and

5 (iii) Following the termination of the Veteran Cemetery  
6 Construction Fund, any funds received by the state from any source  
7 for the state veteran cemetery system.

8 (b) No revenue from the General Fund shall be remitted  
9 to the Nebraska Veteran Cemetery System Endowment Fund. The  
10 Legislature shall not appropriate or transfer money from the  
11 Nebraska Veteran Cemetery System Endowment Fund for any purpose  
12 other than as provided in this section. Any money in the Nebraska  
13 Veteran Cemetery System Endowment Fund available for investment  
14 shall be invested by the state investment officer pursuant to  
15 the Nebraska Capital Expansion Act and the Nebraska State Funds  
16 Investment Act. No portion of the principal of the Nebraska Veteran  
17 Cemetery System Endowment Fund shall be expended for any purpose  
18 except investment pursuant to this subdivision. All investment  
19 earnings from the Nebraska Veteran Cemetery System Endowment Fund  
20 shall be credited on a quarterly basis to the Nebraska Veteran  
21 Cemetery System Operation Fund.

22 (3) There is hereby created the Nebraska Veteran Cemetery  
23 System Operation Fund. Money in the fund shall be used for the  
24 operation, administration, and maintenance of the state veteran  
25 cemetery system. Any money in the fund available for investment

1 shall be invested by the state investment officer pursuant to  
2 the Nebraska Capital Expansion Act and the Nebraska State Funds  
3 Investment Act.

4 (4) The director may make formal application to the  
5 federal government regarding federal financial assistance for the  
6 construction of any of the facilities comprising the state veteran  
7 cemetery system which is located in a county with a population of  
8 less than one hundred thousand persons when he or she determines  
9 that the requirements for such assistance have been met.

10 (5) The director may make formal application to  
11 the federal government regarding financial assistance for the  
12 construction of any facility comprising a portion of the state  
13 veteran cemetery system located in a county with a population of  
14 more than one hundred thousand persons when sufficient funds have  
15 been remitted to the Nebraska Veteran Cemetery System Endowment  
16 Fund such that (a) the projected annual earnings from such fund  
17 available for transfer to the Nebraska Veteran Cemetery System  
18 Operation Fund plus (b) the projected annual value of formal  
19 agreements that have been entered into between the state and  
20 any political subdivisions or private entities to subsidize or  
21 undertake the operation, administration, or maintenance of any of  
22 the facilities within the state veteran cemetery system, has a  
23 value that is sufficient to fund the operation, administration, and  
24 maintenance of any cemetery created pursuant to this subsection.

25 (6) The director may expend such funds as may be

1 available for any of the purposes authorized in this section.

2 (7) The director, with the approval of the Governor, may  
3 enter into agreements for cemetery construction, administration,  
4 operation, or maintenance with qualified persons, political  
5 subdivisions, or business entities. The director shall provide  
6 lots in the cemetery system for the interment of deceased veterans  
7 as defined by the National Cemetery Administration of the United  
8 States Department of Veterans Affairs. The director shall provide  
9 lots for the interment of those veterans' spouses, minor children,  
10 and unmarried adult children who were physically or mentally  
11 disabled and incapable of self-support. Section 12-501 does not  
12 apply to the state veteran cemetery system.

13 (8) The Veteran Cemetery Construction Fund is created.  
14 Any money in the fund available for investment shall be invested  
15 by the state investment officer pursuant to the Nebraska Capital  
16 Expansion Act and the Nebraska State Funds Investment Act.

17 ~~(9) The Nebraska Veterans Cemetery Advisory Board is~~  
18 ~~created. The board shall consist of seven members. One member~~  
19 ~~shall be the director who shall serve as the chairperson of the~~  
20 ~~board. Three members of the board shall be veterans appointed by~~  
21 ~~the Governor from a list of candidates forwarded by the county~~  
22 ~~board of each county within which a state veteran cemetery system~~  
23 ~~facility is located. Three members with experience in cemetery~~  
24 ~~administration or operation, one from each congressional district,~~  
25 ~~shall be appointed by the Governor. The members of the board shall~~

1 receive no compensation but shall be reimbursed for their actual  
2 and necessary expenses in the discharge of their duties as provided  
3 in sections 81-1174 to 81-1177. The board shall meet from time  
4 to time as requested by the director to review the status of the  
5 state veteran cemetery system, to recommend actions to facilitate  
6 the development of the system, to assist in fundraising from public  
7 or private sources for the construction, operation, administration,  
8 and maintenance of the system, and to advise the director on  
9 the most appropriate actions for the state to undertake in the  
10 development of the system and the priorities for action.

11 ~~(10)~~ (9) The director may adopt and promulgate rules and  
12 regulations to carry out this section. The rules and regulations  
13 shall include requirements for proof of residency, cost of burial  
14 if any, and standards for cemeteries, including decorations and  
15 headstones.

16 Sec. 2. Original section 12-1301, Reissue Revised  
17 Statutes of Nebraska, is repealed.