

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 285

Introduced by Krist, 10.

Read first time January 12, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend sections 80-317 and
2 80-401.03, Reissue Revised Statutes of Nebraska; to
3 change application procedures for Nebraska veterans
4 homes; to change eligibility for assistance from the
5 Nebraska Veterans' Aid Fund; and to repeal the original
6 sections.

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

1 Section 1. Section 80-317, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 80-317 The Veterans' Homes Board shall prescribe rules of
4 membership in the Nebraska veterans homes in accordance with sections
5 80-314 to 80-331. An application for membership in a Nebraska
6 veterans home ~~shall~~may be made to (1) a county veterans service
7 officer who shall coordinate the required financial and medical
8 information and, if necessary, provide an opinion regarding its
9 validity or (2) the veterans home. The county veterans service
10 officer or veterans home shall at once forward the application
11 together with his, ~~or her,~~ or its finding in regard to the condition
12 of the applicant to the board, whose duty it is to receive, review,
13 and act upon applications for membership. During the interim between
14 meetings of the board, the secretary of the board is authorized to
15 adjudicate applications, subject to the approval of the full board at
16 its next meeting.

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

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

23 (2) The director, the deputy director, or a designee of
24 the director shall receive and approve for payment or disapprove
25 applications for aid which shall originate in any local post of any

1 recognized veterans organization or with a county veterans service
2 officer. Any person eligible for such aid shall make application for
3 the same through such local post or county veterans service officer
4 in the community nearest his or her place of residence. If there are
5 two or more local posts of one or more recognized veterans
6 organizations in any community, no claimant can originate a claim in
7 more than one such post at any given time and a period of at least
8 thirty days shall elapse between the filing of claims. An application
9 shall not be deemed to be filed until it has been received and filed
10 in the office of the Director of Veterans' Affairs. The director may
11 adopt and promulgate such rules and regulations as may be necessary
12 for administering such aid.

13 (3) No part of the interest accumulation of the Nebraska
14 Veterans' Aid Fund shall be expended for the purpose of organizing
15 and maintaining any veterans organization. There shall be expended
16 under the direction of the director such sum or sums as may be
17 specifically appropriated by the Legislature for the employment of
18 necessary assistants or deputies and clerical employees at such
19 reasonable compensation as may be fixed by the director in each
20 particular case and for the maintenance and expenses of a state
21 service office with necessary service officers and assistants to
22 prepare and present meritorious cases of ex-servicemen and ex-
23 servicewomen for benefits before the United States Department of
24 Veterans Affairs. Such cases shall be accepted by the state service
25 officer on behalf of any claimant when a proper power of attorney is

1 given by such claimant to the office of the director or to a state
2 service officer, if he or she is so designated by any recognized
3 veterans organization as its sole representative, and regardless of
4 where the cases originate. No part of such sum or sums is to be paid
5 out of the twelve-million-dollar trust fund or the income therefrom.
6 Upon the completion of the trust, the principal fund so held by the
7 State Treasurer shall revert to the treasury of the state.

8 (4) For purposes of this section:

9 (a) Person serving on active duty means any person
10 serving on active duty in the armed forces of the United States with
11 a home of record of Nebraska, other than active duty for training;
12 and

13 (b) Veteran, ~~veteran~~ means any person who:

14 ~~(a)-(i)~~ Served on active duty in the armed forces of the
15 United States, other than active duty for training, and who:

16 ~~(i)-(A)~~ Was discharged or otherwise separated with a
17 characterization of honorable or general (under honorable conditions)
18 from such service; or

19 ~~(ii)-(B)~~ Died while in service or as a direct result of
20 such service; or

21 ~~(b)-(ii)~~ Being a citizen of the United States at the time
22 of his or her entry into such service, served with the military
23 forces of any government allied with the United States during any
24 period identified in section 80-401.01 and was discharged or
25 otherwise separated with a characterization of honorable or general

1 (under honorable conditions).

2 Sec. 3. Original sections 80-317 and 80-401.03, Reissue

3 Revised Statutes of Nebraska, are repealed.