

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 252

FINAL READING

Introduced by Brewer, 43.

Read first time January 10, 2023

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to veterans; to amend sections 80-401.03,
2 80-401.11, 80-404, and 80-412, Reissue Revised Statutes of Nebraska,
3 and sections 80-315, 80-322.01, 80-411, and 81-1316, Revised
4 Statutes Cumulative Supplement, 2022; to change references to a
5 veterans' home; to change provisions relating to the Department of
6 Veterans' Affairs Cash Fund, veterans aid, Department of Veterans'
7 Affairs offices, gifts to the Department of Veterans' Affairs,
8 waiver of tuition and fees for dependents of certain veterans, and
9 duties of the Director of Veterans' Affairs; to eliminate an
10 obsolete provision; to repeal the original sections; and to outright
11 repeal section 80-336, Revised Statutes Cumulative Supplement, 2022.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 80-315, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 80-315 The Central Nebraska Grand Island ~~Grand Island~~ Veterans' Home, the Norfolk
4 Veterans' Home, the Eastern Nebraska Veterans' Home, and the Western
5 Nebraska Veterans' Home are established. The State of Nebraska shall
6 maintain the homes as provided in the Nebraska Veterans Services Act.

7 Sec. 2. Section 80-322.01, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 80-322.01 The Department of Veterans' Affairs Cash Fund is created.
10 The fund shall include any transfers by the Legislature, any gifts,
11 grants, bequests, contributions, or donations received by the department,
12 and money transferred pursuant to section 80-322. The department shall
13 administer the fund. Disbursements from the fund shall be used by the
14 department for the purposes of supporting veteran services, carrying out
15 the duties and functions of the department, paying administrative costs
16 of the department, or for the specific purposes designated by acceptance
17 of any gift, grant, bequest, contribution, or donation. Any money in the
18 fund available for investment shall be invested by the state investment
19 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
20 State Funds Investment Act.

21 Sec. 3. Section 80-401.03, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 80-401.03 (1) The Director of Veterans' Affairs shall be responsible
24 for the administration of the income funds from the Nebraska Veterans'
25 Aid Fund for the aid of needy veterans and their dependents.

26 (2) The Director of Veterans' Affairs ~~director~~, the deputy director,
27 or a designee of the director shall receive and approve for payment or
28 disapprove applications for aid which shall originate in any local post
29 of any recognized veterans organization or with a county veterans service
30 officer. ~~Any person eligible for such aid shall make application for the~~
31 ~~same through such local post or county veterans service officer in the~~

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

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

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

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

1 (i) Was discharged or otherwise separated with a characterization of
2 honorable or general (under honorable conditions) from such service; or
3 (ii) Died while in service or as a direct result of such service; or
4 (b) Being a citizen of the United States at the time of his or her
5 entry into such service, served with the military forces of any
6 government allied with the United States during any period identified in
7 section 80-401.01 and was discharged or otherwise separated with a
8 characterization of honorable or general (under honorable conditions).

9 Sec. 4. Section 80-401.11, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 80-401.11 Suitable offices shall be provided for the Department of
12 Veterans' Affairs. ~~The department in the State Capitol. It may maintain~~
13 ~~necessary offices at such other places in the state as it may designate~~
14 ~~and may incur the necessary expense for office furniture, stationery,~~
15 ~~printing and other incidental or necessary expenses and . It may employ~~
16 ~~such clerical and other employees and assistants as the department deems~~
17 ~~it may deem necessary for the proper transaction of its business.~~

18 Sec. 5. Section 80-404, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 80-404 The Department of Veterans' Affairs may (1) receive gifts,
21 grants, bequests, contributions, or donations from public or private
22 sources or hold in trust testamentary or other gifts, (2) and may
23 purchase or receive gifts of such real estate as may be necessary or
24 advantageous for the carrying out the duties and functions of the
25 department, and (3) contract with public or private groups to conduct
26 department business of the provisions of sections 80-401 to 80-405. All
27 property of the department so held or owned by it shall be free from
28 taxation during the period of time such property is ~~it shall be held or~~
29 ~~used by the department it for the purpose of furnishing aid to such~~
30 ~~veterans and their dependents authorized by the provisions of section~~
31 ~~80-403.~~

1 Sec. 6. Section 80-411, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 80-411 (1) If the requirements of subsection (2) of this section are
4 met, the University of Nebraska, the state colleges, and the community
5 colleges shall waive the following for a dependent of a veteran:

6 (a) All tuition; and

7 (b) All fees remaining due after subtracting awarded federal
8 financial aid grants and state scholarships and grants.

9 (2) A person shall be eligible for the waiver of tuition and such
10 fees if he or she meets the following requirements:

11 (a) He or she is a resident of this state and meets the appropriate
12 institution's requirements for establishing residency for the purpose of
13 paying instate tuition;

14 (b) He or she has a parent, stepparent, or spouse who was a member
15 of the armed forces of the United States and who:

16 (i) Died while on active duty;

17 (ii) ~~(i)~~ Died of a service-connected disability;

18 (iii) ~~(ii)~~ Died subsequent to discharge as a result of injury or
19 illness sustained while a member of the armed forces which may or may not
20 have resulted in total disability;

21 (iv) ~~(iii)~~ Is permanently and totally disabled as a result of
22 military service. Permanent and total disability does not include total
23 ratings or other temporary ratings except total ratings based on
24 individual unemployability if permanent; or

25 (v) ~~(iv)~~ While a member of the armed forces of the United States, is
26 classified as missing in action or as a prisoner of war during armed
27 hostilities; and

28 (c) If he or she is a child or stepchild of a person described in
29 subdivision (2)(b) of this section, he or she is under the age of twenty-
30 six years unless he or she serves on active duty with the armed forces
31 after his or her eighteenth birthday but before his or her twenty-sixth

1 birthday, in which case such period shall end five years after his or her
2 first discharge or release from such duty with the armed forces, but in
3 no event shall such period be extended beyond the thirty-first birthday.

4 (3) An application for a waiver shall be submitted on a form to be
5 prescribed by the Director of Veterans' Affairs.

6 (4) If the Director of Veterans' Affairs or the director's designee
7 ~~director~~ determines that the applicant is eligible for the waiver, the
8 director or the director's designee shall so certify to the institution
9 in which the applicant desires to enroll. The decision of the director or
10 the director's designee shall, in the absence of fraud or
11 misrepresentation on the part of the applicant, be final and shall be
12 binding upon the applicant and upon the institutions specified in this
13 section. The director shall adopt and promulgate reasonable rules and
14 regulations for the administration of this section.

15 (5) The waiver shall be valid for one degree, diploma, or
16 certificate from a community college and one baccalaureate degree.
17 Receipt of such degree, diploma, or certificate from a community college
18 shall precede receipt of such baccalaureate degree.

19 Sec. 7. Section 80-412, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 80-412 The Director of Veterans' Affairs shall make and preserve by
22 counties a permanent registry of the graves of all persons who shall have
23 served in the armed forces of the United States and whose mortal remains
24 rest in Nebraska. The county veterans service officer of each county
25 shall be charged with securing the information requested by the director
26 ~~Director of Veterans' Affairs~~ of every person having a service record
27 buried in that county and immediately forwarding such information to the
28 office of the Director of Veterans' Affairs ~~director~~. Such information
29 shall be secured from the undertaker in charge of the burial and shall be
30 transmitted by him or her to the county veterans service officer of the
31 county where burial is made and shall be recorded alphabetically and by

1 description of location in the cemetery where buried, in a method book as
2 prescribed by the director and kept for that purpose in the office of the
3 county veterans service officer.

4 Sec. 8. Section 81-1316, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 81-1316 (1) All agencies and personnel of state government shall be
7 covered by sections 81-1301 to 81-1319 and shall be considered subject to
8 the State Personnel System, except the following:

- 9 (a) All personnel of the office of the Governor;
- 10 (b) All personnel of the office of the Lieutenant Governor;
- 11 (c) All personnel of the office of the Secretary of State;
- 12 (d) All personnel of the office of the State Treasurer;
- 13 (e) All personnel of the office of the Attorney General;
- 14 (f) All personnel of the office of the Auditor of Public Accounts;
- 15 (g) All personnel of the Legislature;
- 16 (h) All personnel of the court systems;
- 17 (i) All personnel of the Board of Educational Lands and Funds;
- 18 (j) All personnel of the Public Service Commission;
- 19 (k) All personnel of the Nebraska Brand Committee;
- 20 (l) All personnel of the Commission of Industrial Relations;
- 21 (m) All personnel of the State Department of Education;
- 22 (n) All personnel of the Nebraska state colleges and the Board of
23 Trustees of the Nebraska State Colleges;
- 24 (o) All personnel of the University of Nebraska;
- 25 (p) All personnel of the Coordinating Commission for Postsecondary
26 Education;
- 27 (q) All personnel of the Governor's Policy Research Office;
- 28 (r) All personnel of the Commission on Public Advocacy;
- 29 (s) All agency heads;
- 30 (t)(i) The Director of Behavioral Health of the Division of
31 Behavioral Health; (ii) the Director of Children and Family Services of

1 the Division of Children and Family Services; (iii) the Director of
2 Developmental Disabilities of the Division of Developmental Disabilities;
3 (iv) the Director of Medicaid and Long-Term Care of the Division of
4 Medicaid and Long-Term Care; and (v) the Director of Public Health of the
5 Division of Public Health;

6 (u) The chief medical officer established under section 81-3115, the
7 Administrator of the Office of Juvenile Services, and the chief executive
8 officers of the Beatrice State Developmental Center, Lincoln Regional
9 Center, Norfolk Regional Center, Hastings Regional Center, Central
10 Nebraska ~~Grand Island~~ Veterans' Home, Norfolk Veterans' Home, Eastern
11 Nebraska Veterans' Home, Western Nebraska Veterans' Home, and each youth
12 rehabilitation and treatment center;

13 (v) The chief executive officers of all facilities operated by the
14 Department of Correctional Services and the medical director for the
15 department appointed pursuant to section 83-4,156;

16 (w) All personnel employed as pharmacists, physicians,
17 psychiatrists, or psychologists by the Department of Correctional
18 Services;

19 (x) All personnel employed as pharmacists, physicians,
20 psychiatrists, psychologists, service area administrators, or facility
21 operating officers of the Department of Health and Human Services or the
22 Department of Veterans' Affairs;

23 (y) Deputies and examiners of the Department of Banking and Finance
24 and the Department of Insurance as set forth in sections 8-105 and
25 44-119, except for those deputies and examiners who remain in the State
26 Personnel System;

27 (z) All personnel of the Tax Equalization and Review Commission; and

28 (aa) The associate director of the Conservation Division of the
29 Nebraska State Historical Society and all personnel employed as a
30 Conservator I or Conservator II of the Conservation Division of the
31 Nebraska State Historical Society.

1 (2) At each agency head's discretion, up to the following number of
2 additional positions may be exempted from the State Personnel System,
3 based on the following agency size categories:

4	Number of Agency	Number of Noncovered
5	Employees	Positions
6	less than 25	0
7	25 to 100	1
8	101 to 250	2
9	251 to 500	3
10	501 to 1000	4
11	1001 to 2000	5
12	2001 to 3000	8
13	3001 to 4000	11
14	4001 to 5000	40
15	over 5000	50

16 The purpose of having such noncovered positions shall be to allow
17 agency heads the opportunity to recruit, hire, and supervise critical,
18 confidential, or policymaking personnel without restrictions from
19 selection procedures, compensation rules, career protections, and
20 grievance privileges. Persons holding the noncovered positions shall
21 serve at the pleasure of the agency head and shall be paid salaries set
22 by the agency head. An agency with over five thousand employees shall
23 provide notice in writing to the Health and Human Services Committee of
24 the Legislature when forty noncovered positions have been filled by the
25 agency head pursuant to this subsection.

26 (3) No changes to this section or to the number of noncovered
27 positions within an agency shall affect the status of personnel employed
28 on the date the changes become operative without their prior written
29 agreement. A state employee's career protections or coverage by personnel
30 rules and regulations shall not be revoked by redesignation of the
31 employee's position as a noncovered position without the prior written

1 agreement of such employee.

2 Sec. 9. Original sections 80-401.03, 80-401.11, 80-404, and 80-412,
3 Reissue Revised Statutes of Nebraska, and sections 80-315, 80-322.01,
4 80-411, and 81-1316, Revised Statutes Cumulative Supplement, 2022, are
5 repealed.

6 Sec. 10. The following section is outright repealed: Section
7 80-336, Revised Statutes Cumulative Supplement, 2022.