

## LEGISLATIVE BILL 334

Approved by the Governor April 1, 1971

Introduced by Otho G. Kime, 43rd District; Walter H. Epke, 24th District

FOR AN ACT to amend sections 80-302, 80-306, and 80-308, Reissue Revised Statutes of Nebraska, 1943, and sections 80-301, 83-124, and 83-210.01, Revised Statutes Supplement, 1969, relating to the state institutions; to restrict use of a revolving fund; to change the nature of care at the Nebraska Veterans' Home; to redesignate terms; to change qualifications and eligibility for admission to the home; to authorize a member of the home to pay his share of cost of staying at the home; to harmonize the provisions with previous legislation; and to repeal the original sections.

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

Section 1. That section 80-301, Revised Statutes Supplement, 1969, 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 homes 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; ~~or during a period of actual hostilities in any war or conflict in which the United States government was engaged prior to April 6, 1917;~~ 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 ~~or private~~ 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 ten two years before her entrance into the home; (3) to the widows and mothers of eligible servicemen and women, as defined in subdivision

(1) of this section, who died while in the service of the United States; 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 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 or private 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 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, or 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; ~~provided further, that wives, widows, and mothers of veterans 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 or compensation, 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 ~~placed in a fund to be known as Veterans' Home Building Fund and can be used only for the construction of buildings to be occupied by members of the home until July 1, 1970; when such money 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. 2. That section 80-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-302. All applications for admission---to membership in the Nebraska Soldiers---and---Sailors' Veterans' Home shall be made to the county service committee officer of the county in which the applicant resides. It shall be the duty of any county service committee officer in this state to whom such an application shall be made to inquire into the condition of such applicant. If it is found that the applicant is unable by reason of disability or old age to earn a livelihood for himself and is dependent wholly or partially upon public or---private charities for maintenance, or the type of care needed is available only at a state institution, the county service committee officer shall at once forward the application together with its his finding in regard to the condition of such applicant to the Board of Inquiry and Review, whose duty it is to receive and act upon applications for admission membership thereto; Provided, that during the interim between meetings of the board, the secretary of such board will be authorized to make decisions on applications, subject to the approval of the full board at their next meeting.

Sec. 3. That section 80-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-306. The Board of Inquiry and Review is empowered to check periodically on members of the home to determine whether or not their physical or financial status has so changed since admission that they should no longer be maintained there. For the purpose of making such determination the board shall have power to subpoena witnesses and take testimony under oath relative to the corpus of estate, financial status, and income of any resident member. No specified amount, either as to income or accumulated reserve, shall be arbitrarily fixed for determining the eligibility of an applicant to membership or to continuing rights of membership, but each case shall be considered solely on its merits and the evidence presented. The board shall meet quarterly at the Nebraska Soldiers---and---Sailors' Veterans' Home, or more often upon call of the commandant administrator of the home for the consideration of any special problem. Recommendations of the board shall constitute authority for the commandant administrator and Department of Public Institutions to deny further residence to members it finds should no longer be supported there.

Sec. 4. That section 80-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

80-308. Nothing in sections 80-301 to 80-307 shall be construed to deny any person who has been properly admitted to the Nebraska ~~Soldiers--and-Sailors'~~ Veterans' Home the privilege of paying his--board the cost of his or her care, or any part thereof, if he or she so desires, or it has been determined by the Board of Inquiry and Review that his or her financial status is such that he or she should no longer be maintained there at public expense.

Sec. 5. That section 83-124, Revised Statutes Supplement, 1969, be amended to read as follows:

83-124. The commandant administrator of the Nebraska Veterans' Home shall (1) have served in the armed forces of the United States during a period of war as defined in section 80-401.01, ~~or during a period of actual hostilities in any war or conflict in which the United States government was engaged prior to April 6, 1947;~~ (2) have attained the age of thirty-five, and (3) have been a resident of Nebraska for at least five years immediately preceding the date of appointment.

Sec. 6. That section 83-210.01, Revised Statutes Supplement, 1969, be amended to read as follows:

83-210.01. There is hereby placed at the disposal of the Department of Public Institutions the sum of fifty thousand dollars as a revolving fund for use in carrying out the purposes of section 83-210. The said revolving fund may be used (1) for the purchase of equipment and stock for vending stands or business enterprises which do not employ more than three full-time people, or the equivalent thereof if part-time employees are utilized, to be operated by blind persons under the supervision of the department, (2) for the purchase of raw materials for the use of blind persons engaged in home industries, and (3) for the purchase, for resale to blind persons, of tape recorders, braillewriters, canes, and other equipment, appliances, devices and supplies for the blind. Gross proceeds from the operation of ~~vending-stands,--business-enterprises, or home-industries~~ enterprises named in subdivisions (1) and (2) of this section shall accrue to the blind operator, except such percentage of the gross proceeds as shall revert to the original revolving fund. Such fund shall be used for supervision, such other administrative purposes as shall be necessary, and for the original purpose. The percentage of the gross

proceeds that shall revert to the revolving fund shall be determined by the department after an investigation has been made to reveal the gross proceeds, cost of operation, amount necessary to replenish the stock of merchandise, and the business needs of the blind individual. Gross proceeds from the sales under subdivision (3) of this section, shall be deposited to the revolving fund for the purchase of tape recorders, braillewriters, canes, and other equipment, appliances, devices and supplies for resale to blind persons. All equipment and raw material purchased from such revolving fund shall be the property of the state and shall be disposed of only by sale at a fair market price. Any money in this revolving fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 7. That original sections 80-302, 80-306, and 80-308, Reissue Revised Statutes of Nebraska, 1943, and sections 80-301, 83-124, and 83-210.01, Revised Statutes Supplement, 1969, are repealed.