

## LEGISLATIVE BILL 441

Approved by the Governor March 10, 1997

Introduced by Hilgert, 7; Brown, 6; Kiel, 9; Schrock, 38

AN ACT relating to veterans; to amend sections 80-401.03 and 80-403, Reissue Revised Statutes of Nebraska; to redefine a term; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 80-401.03, Reissue Revised Statutes of Nebraska, is amended to read:

80-401.03. The Director of Veterans' Affairs shall be responsible for the administration of the income funds from the Nebraska Veterans' Aid Fund for the aid of needy veterans as defined in section 80-401.01 and their dependents. He or she for purposes of this section, veteran means any person who served on active duty in the armed forces of the United States, other than active duty for training, who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in a period of conflict pursuant to section 80-401.01 and who received an honorable discharge, or its equivalent, from such service.

The director or a deputy designated by him or her shall receive and approve for payment or disapprove applications for aid which shall originate in any local post of any recognized veterans organization or with a county veterans service officer. Any person eligible for such aid shall make application for the same through such local post or county veterans service officer in the community nearest his or her place of residence. If there are two or more local posts of one or more recognized veterans organizations in any community, no claimant can originate a claim in more than one such post at any given time and a period of at least thirty days shall elapse between the filing of claims. An application shall not be deemed to be filed until it has been received and filed in the office of the Director of Veterans' Affairs. The director may adopt and promulgate such rules and regulations as may be necessary for administering such aid.

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

Sec. 2. Section 80-403, Reissue Revised Statutes of Nebraska, is amended to read:

80-403. All money disbursed through the Director of Veterans' Affairs shall be expended by him or her in furnishing food, shelter, fuel, wearing apparel, medical or surgical aid, or in assisting with the funeral expenses of discharged veterans who come within one of the following classes:

(1) All veterans as defined in section ~~80-401.01~~ 80-401.03, their widows, widowers, spouses, and their children age eighteen or younger or until age twenty-three if attending school full time, and at any age if the child was permanently incapable of self-support at age eighteen (a) who may be in need of the same; and (b) who shall have had five years of continuous residence in this state immediately preceding the date of application therefor;

(2) ~~all~~ All veterans as defined in section ~~80-401.01~~ 80-401.03 (a) who were residents of this state at the time of their entry into such military service, (b) who are legal residents of this state on the date of such

application, and (c) who may be in need of such aid;

(3) ~~the~~ The widows, widowers, spouses, and children age eighteen or younger or until age twenty-three if attending school full time, and at any age if the child was permanently incapable of self-support at age eighteen, of all such veterans who may be in need of such aid and who were (a) residents of this state at the time their spouse or parent, who was such a veteran, so entered such military service and from that time until the date of such application, (b) residents of Nebraska at the time of their birth and until the date of such application, or (c) married to such veterans, who were residents of this state when they entered such armed forces, and who then became residents of this state from that date, or shortly thereafter, and are such residents at the time of such application; and

(4) in In cases where in which an eligible veteran or widow or widower passes away leaving no next of kin eligible to apply for payment of expenses of last illness and burial, a recognized veterans organization may apply, on behalf of the deceased, for assistance in paying such expenses. All such payments shall be made by the director. There may be expended, for purposes other than those set forth above in this section, such sum or sums as may be specifically appropriated by the Legislature for such purposes.

Sec. 3. Original sections 80-401.03 and 80-403, Reissue Revised Statutes of Nebraska, are repealed.