

## LEGISLATIVE BILL 49

Approved by the Governor March 7, 1985

Introduced by Hefner, 19

AN ACT relating to veterans; to amend sections 80-401.01 and 80-401.03, Reissue Revised Statutes of Nebraska, 1943; to define terms; to harmonize provisions with previous legislative acts; and to repeal the original sections.

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

Section 1. That section 80-401.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-401.01. As used in this act, unless the context otherwise requires:

(1) A recognized veterans' organization shall mean a veterans' organization that has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters, and which, at the time an appointment is to be made, shall have enrolled in its membership in Nebraska at least ten per cent of the World War I, World War II, Korean War, and Vietnam War veterans eligible therefor; ~~PROVIDED, that~~ and the Disabled American Veterans' organization shall have enrolled in its membership in Nebraska at least ten per cent of those Nebraska veterans receiving service-connected compensation from the Veterans' Administration;

(2) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has 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 that war;

(3) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, and 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 that war and who received an honorable discharge, or its equivalent, from such service;

(4) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and 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 that war and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Vietnam War shall mean a person who served on active duty in the armed forces of the United States between August 5, 1964, and May 7, 1975, and 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 that war and who received an honorable discharge, or its equivalent, from such service; and

(6) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and 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 that war;

(7) Active duty shall mean full-time duty in the armed forces, other than active duty for training; and

(8) Active duty for training shall mean full-time duty in the armed forces performed by reserves for training purposes.

Sec. 2. That section 80-401.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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, 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 county veterans' service officer, as defined in this act. 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. Should there be 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 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-service men ex-servicemen and women ex-servicewomen~~ for benefits before the United States Veterans' Administration. ~~Such~~ ; ~~PROVIDED~~, 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 shall be 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 ~~eight~~ 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. 3. That original sections 80-401.01 and 80-401.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.