

LEGISLATIVE BILL 252

Approved by the Governor February 13, 2024

Introduced by Brewer, 43.

A BILL FOR AN ACT relating to veterans; to amend sections 80-401.03, 80-401.11, 80-404, and 80-412, Reissue Revised Statutes of Nebraska, and sections 80-315, 80-322.01, 80-411, and 81-1316, Revised Statutes Cumulative Supplement, 2022; to change references to a veterans' home; to change provisions relating to the Department of Veterans' Affairs Cash Fund, veterans aid, Department of Veterans' Affairs offices, gifts to the Department of Veterans' Affairs, waiver of tuition and fees for dependents of certain veterans, and duties of the Director of Veterans' Affairs; to eliminate an obsolete provision; to repeal the original sections; and to outright repeal section 80-336, Revised Statutes Cumulative Supplement, 2022.

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

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

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

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

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

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

80-401.03 (1) 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 and their dependents.

(2) The Director of Veterans' Affairs ~~director~~, the deputy director, or a designee of the director 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.

(3) 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 of Veterans' Affairs ~~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 of Veterans' Affairs ~~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 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.

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

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

(i) Was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) from such service; or

(ii) Died while in service or as a direct result of such service; or
(b) 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 during any period identified in section 80-401.01 and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions).

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

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

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

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

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

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

(a) All tuition; and
(b) All fees remaining due after subtracting awarded federal financial aid grants and state scholarships and grants.

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

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

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

(i) Died while on active duty;
(ii) ~~(i)~~ Died of a service-connected disability;
(iii) ~~(ii)~~ Died subsequent to discharge as a result of injury or illness sustained while a member of the armed forces which may or may not have resulted in total disability;

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

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

(c) If he or she is a child or stepchild of a person described in subdivision (2)(b) of this section, he or she is under the age of twenty-six years unless he or she serves on active duty with the armed forces after his or her eighteenth birthday but before his or her twenty-sixth birthday, in which case such period shall end five years after his or her first discharge or release from such duty with the armed forces, but in no event shall such period be extended beyond the thirty-first birthday.

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

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

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

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

80-412 The Director of Veterans' Affairs shall make and preserve by counties a permanent registry of the graves of all persons who shall have served in the armed forces of the United States and whose mortal remains rest in Nebraska. The county veterans service officer of each county shall be charged with securing the information requested by the director ~~Director of Veterans' Affairs~~ of every person having a service record buried in that county

and immediately forwarding such information to the office of the Director of Veterans' Affairs ~~director~~. Such information shall be secured from the undertaker in charge of the burial and shall be transmitted by him or her to the county veterans service officer of the county where burial is made and shall be recorded alphabetically and by description of location in the cemetery where buried, in a method ~~book~~ as prescribed by the director and kept for that purpose in the office of the county veterans service officer.

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

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

- (a) All personnel of the office of the Governor;
- (b) All personnel of the office of the Lieutenant Governor;
- (c) All personnel of the office of the Secretary of State;
- (d) All personnel of the office of the State Treasurer;
- (e) All personnel of the office of the Attorney General;
- (f) All personnel of the office of the Auditor of Public Accounts;
- (g) All personnel of the Legislature;
- (h) All personnel of the court systems;
- (i) All personnel of the Board of Educational Lands and Funds;
- (j) All personnel of the Public Service Commission;
- (k) All personnel of the Nebraska Brand Committee;
- (l) All personnel of the Commission of Industrial Relations;
- (m) All personnel of the State Department of Education;
- (n) All personnel of the Nebraska state colleges and the Board of Trustees of the Nebraska State Colleges;
- (o) All personnel of the University of Nebraska;
- (p) All personnel of the Coordinating Commission for Postsecondary Education;
- (q) All personnel of the Governor's Policy Research Office;
- (r) All personnel of the Commission on Public Advocacy;
- (s) All agency heads;
- (t)(i) The Director of Behavioral Health of the Division of Behavioral Health; (ii) the Director of Children and Family Services of the Division of Children and Family Services; (iii) the Director of Developmental Disabilities of the Division of Developmental Disabilities; (iv) the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care; and (v) the Director of Public Health of the Division of Public Health;
- (u) The chief medical officer established under section 81-3115, the Administrator of the Office of Juvenile Services, and the chief executive officers of the Beatrice State Developmental Center, Lincoln Regional Center, Norfolk Regional Center, Hastings Regional Center, Central Nebraska Grand Island Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home, Western Nebraska Veterans' Home, and each youth rehabilitation and treatment center;
- (v) The chief executive officers of all facilities operated by the Department of Correctional Services and the medical director for the department appointed pursuant to section 83-4,156;
- (w) All personnel employed as pharmacists, physicians, psychiatrists, or psychologists by the Department of Correctional Services;
- (x) All personnel employed as pharmacists, physicians, psychiatrists, psychologists, service area administrators, or facility operating officers of the Department of Health and Human Services or the Department of Veterans' Affairs;
- (y) Deputies and examiners of the Department of Banking and Finance and the Department of Insurance as set forth in sections 8-105 and 44-119, except for those deputies and examiners who remain in the State Personnel System;
- (z) All personnel of the Tax Equalization and Review Commission; and
- (aa) The associate director of the Conservation Division of the Nebraska State Historical Society and all personnel employed as a Conservator I or Conservator II of the Conservation Division of the Nebraska State Historical Society.

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

Number of Agency Employees	Number of Noncovered Positions
less than 25	0
25 to 100	1
101 to 250	2
251 to 500	3
501 to 1000	4
1001 to 2000	5

2001 to 3000	8
3001 to 4000	11
4001 to 5000	40
over 5000	50

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

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

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

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