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STATE OF NEBRASKA
OFFICIAL
MAY 10 1993
DEPT. OF JUSTICE

DON STENBERG
ATTORNEY GENERAL

L. STEVEN GRASZ
SAM GRIMMINGER
DEPUTY ATTORNEYS GENERAL

DATE: May 10, 1993

SUBJECT: County Veterans' Service Committee: Soldiers, Sailors, and Marines Relief Fund.

REQUESTED BY: Jonathan F. Sweet, Director
Nebraska Department of Veterans Affairs

WRITTEN BY: Don Stenberg, Attorney General
Harold Mosher, Senior Assistant Attorney General

You have asked five questions which relate to Neb. Rev. Stat. § 80-102 (Cum. Supp. 1992). Your questions are discussed seriatim.

1. Who has the authority to set the amount allocated for the county veterans' aid fund?

Neb. Rev. Stat. § 80-102 (Cum. Supp. 1992) states "The county veterans service committee . . . shall determine the amount considered necessary for providing the food, aid, expenses, and other necessary items set forth in section 77-1605 for the persons entitled to the same under such section."

2. Does the county board have the right to approve the amount allocated to the county veterans' aid fund as long as said amount is within state statute limits?

No.

3. Who determines the amount awarded per application for county veterans' aid?

The county veterans service committee or a majority thereof "shall fix the amount to be paid to each claimant and promptly disburse the same to or for the benefit of the claimant."

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4. Is the county veterans' service committee totally responsible for the county veterans' aid fund?

The county veterans' service committee is responsible for determining the required aid referred to in subsection 1 of Neb. Rev. Stat. § 80-102 (Cum. Supp. 1992). The county veterans' service committee or a majority thereof is also responsible for fixing the amount to be paid to each claimant and to promptly disburse the same to or for the benefit of the claimant. However, it is the responsibility of the county clerk to issue warrants to the committee or to the county veterans service officer as directed by the committee.

5. Can the county board refuse a tax levy to finance the county veterans' aid fund when the need for such funding has been clearly established by the county veterans' service committee?

It is not the function of the county board to determine the need for the county veterans' aid fund. Rather, it is the function of the county board to:

> annually make such levy or levies as necessary to raise the required aid fund referred to in subsection (1) of this section, not exceeding one cent on each one hundred dollars upon the taxable value of all the taxable property of such county. Any unexpended balance of the aid fund at the end of any fiscal year shall remain in the fund.

Respectfully submitted,

DON STENBERG
Attorney General

HAROLD MOSHER
Senior Assistant Attorney General

APPROVED:

Attorney General

20-220-3.1