

LEGISLATIVE BILL 934

Approved by the Governor March 15, 1984

Introduced by Government, Military & Veterans Affairs
Committee, Landis, 46, Chairperson;
R. Johnson, 34; Goll, 16; Higgins, 9;
Chambers, 11; Vickers, 38; Scofield, 49

AN ACT relating to the militia; to amend sections 55-135, 55-146, 55-155, and 55-157, Reissue Revised Statutes of Nebraska, 1943, and section 55-134, Revised Statutes Supplement, 1982; to change certain provisions relating to National Guard personnel; to harmonize provisions; to provide a limitation on service in emergency situations; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 55-134, Revised Statutes Supplement, 1982, be amended to read as follows:

55-134. The Nebraska National Guard shall consist of the regularly enlisted ~~persons~~, personnel between the ages of seventeen and sixty years, organized, armed, and equipped as hereinafter provided, of warrant officers between the ages of eighteen and sixty-two years, and of commissioned officers between the ages of eighteen and sixty-four years. The number of officers and enlisted ~~persons~~ personnel of the National Guard shall be determined from time to time and organized so as to at least meet the minimum requirements of the National Guard organizations allotted to this state. No discrimination shall be made in the enlistment of an individual, advancement in grade, or appointment of officers on account of race, color, creed, or sex.

Sec. 2. That section 55-135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-135. The number and grade of officers and enlisted ~~men~~ personnel shall be as prescribed by the United States, but, in case of war, invasion, insurrection, riot, or imminent danger, the Governor may temporarily increase them to meet such emergencies. All officers shall hold their commissions until separated by reason of resignation, disability, or pursuant to applicable regulations ~~in force as of July 22, 1973~~ issued by the Department of the Army or the Department of the Air Force. Vacancies among officers shall be filled by appointment, subject to such regulations relating thereto as now or may hereafter be promulgated by the United States government.

Sec. 3. That section 55-146, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

55-146. ~~Commissioned officers~~ Officers and enlisted personnel of the National Guard, who are active or retired, may be ordered to active service of the state by the Governor or the Adjutant General in time of disaster, in any emergency where the life or the property of the people of this state are endangered, and for advice, counsel, duties or services, and both duties and services to the Adjutant General at any time. No more than fifteen individuals shall be ordered to such duty for any one mission or project nor shall any such individual remain in the active service of the state pursuant to this section for more than fifteen continuous days for any one mission or project. When an active or a retired ~~commissioned officer or enlisted person~~ is ordered to active service of the state by the Governor or Adjutant General, he or she shall receive the pay and allowances of his or her grade.

Sec. 4. That section 55-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-155. An enlisted ~~man~~ person discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed by the laws or regulations of the United States. In , and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the United States may prescribe.

Sec. 5. That section 55-157, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-157. The military forces of the State of Nebraska, when in active service of the state, by direction of the Governor during a period of emergency, shall receive compensation as hereinafter provided. The officers and enlisted ~~men~~ personnel while so engaged shall be entitled to the same pay, subsistence, and quarters allowances as officers and enlisted ~~men~~ personnel of corresponding grades of the Army and Air Force of the United States are or may be entitled to by law. Enlisted ~~men~~ personnel may be allowed five dollars per day for additional quarters and subsistence allowances in the discretion of the Governor.

Sec. 6. That original sections 55-135, 55-146, 55-155, and 55-157, Reissue Revised Statutes of Nebraska, 1943, and section 55-134, Revised Statutes Supplement, 1982, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.