

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 508

Introduced by Hunt, 8; Conrad, 46.

Read first time January 21, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Military Code; to amend section 55-117,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to the ordering of the Nebraska National Guard into active combat;
- 4 to provide a duty; to require a report; to define a term; to
- 5 harmonize provisions; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 55-117, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 55-117 (1) The Nebraska National Guard shall be liable at all times
4 to be ordered into active service, and shall be first called out by the
5 Governor on all occasions for military service within the state, in time
6 of war, invasions, riot, rebellion, insurrection, disaster, or reasonable
7 apprehension thereof, or upon the requisition of the President of the
8 United States. In case the National Guard is insufficient in number or is
9 not available, the Governor may by proclamation order the enrollment for
10 active service of such additional portion of the militia as he may deem
11 necessary to meet the emergency or to comply with the requisition of the
12 President of the United States, designating the same by draft, if a
13 sufficient number shall not volunteer, and may organize the same in the
14 manner herein provided for organizing the Nebraska National Guard. When
15 so ordered out for service, the militia shall be subject to the same
16 regulations and render the same service as required of the Nebraska
17 National Guard, and receive the same compensation as that prescribed at
18 the time of said service for the army of the United States. In any
19 situation where the National Guard is ordered to duty for any of the
20 purposes listed in this section it shall be the duty, the responsibility,
21 and the obligation of the Governor through the Adjutant General to
22 exercise such control as he deems essential for the purpose of quelling
23 any riot, rebellion or insurrection, and for such purposes any local
24 police authorities shall be subject to his control and direction.

25 (2) The Nebraska National Guard shall not be ordered into active
26 combat in military service of the United States, unless the United States
27 Congress has declared war or called forth the Nebraska National Guard to
28 execute the laws of the union, suppress insurrection, or repel invasions
29 pursuant to the United States Constitution.

30 (3) The Governor shall review every current federal order that has
31 placed members of the Nebraska National Guard into active combat to

1 determine whether the order complies with subsection (2) of this section.
2 If the Governor determines that any order does not comply with subsection
3 (2) of this section, then the Governor shall take any action necessary to
4 immediately return such members of the Nebraska National Guard to
5 Nebraska.

6 (4) The Governor shall submit a report to the Government, Military
7 and Veterans Affairs Committee of the Legislature that summarizes the
8 Governor's review of the federal orders and any action that the Governor
9 took in response to that review, within thirty days after the review is
10 completed.

11 (5) For the purposes of this section, active combat means:

12 (a) Participation in an armed conflict;

13 (b) Performance of a hazardous service relating to an armed conflict
14 in a foreign state; or

15 (c) Performance of a duty through an instrumentality of war.

16 **Sec. 2.** Original section 55-118, Reissue Revised Statutes of
17 Nebraska, is repealed.