

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB550

Hearing Date: Thursday February 26, 2009
Committee On: Government, Military and Veterans Affairs
Introducer: Avery
One Liner: Change provisions relating to Military Department personnel and provide peace officer powers to National Guard members

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Avery, Giese, Janssen, Karpisek, Pahls, Pirsch, Price, Sullivan
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Bill Avery
Colonel Douglas Wilken

Representing:

Introducer
Nebraska National Guard

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 550 changes provisions relating to Military Department personnel. With LB 550, the Military Department will consist of the Adjutant General in the minimum grade of lieutenant colonel, one deputy adjutant general, a chief of staff of the Military Department or deputy director with a minimum grade of colonel, one assistant director for Nebraska Emergency Management Agency, and other officers and enlisted personnel in the number and grade as prescribed by the United States Department of the Army and Department of the Air Force personnel documents.

The chief of the National Guard Bureau will appoint a United States property and fiscal officer who will hold the minimum grade of colonel. The Governor will nominate one or more officers for the position after consultation with the Adjutant General.

LB 550 extends law enforcement authority the Nebraska National Guard members serving in federal Title 32 United States Code status. It also extends law enforcement authority to National Guard members from other states and territories that come to the aid of Nebraska. Currently, National Guard members have law enforcement authority while on state active duty orders in a state status.

The bill requires the Governor to specifically grant law enforcement authority and provides the ability to limit it when necessary. Currently this authority is granted automatically upon a call to state active duty.

Bill Avery, Chairperson