

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 806

Final Reading

Introduced by Avery, 28.

Read first time January 10, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Military Code; to amend sections 55-120,
2 55-125, and 55-126, Reissue Revised Statutes of Nebraska;
3 to eliminate the position of the chief of staff of the
4 Military Department; to change delegation of duties by
5 the Adjutant General; to provide a salary and leave
6 exception for the deputy adjutant general; to harmonize
7 provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 55-120, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 55-120 The Military Department shall consist of the
4 Adjutant General in the minimum grade of lieutenant colonel, one
5 deputy adjutant general, ~~chief of staff of the Military Department,~~
6 with a minimum grade of colonel, or a civilian deputy director, with
7 ~~a minimum grade of colonel,~~ one assistant director for Nebraska
8 Emergency Management Agency affairs, and such other officers and
9 enlisted personnel in the number and grade as prescribed by the
10 United States Department of the Army and Department of the Air Force
11 personnel documents provided to the National Guard or as otherwise
12 authorized.

13 Sec. 2. Section 55-125, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 55-125 (1) The Adjutant General shall appoint a deputy
16 adjutant general, ~~a chief of staff of the Military Department,~~ or a
17 civilian deputy director. The ~~An~~ officer appointed as a deputy
18 adjutant general shall hold the minimum grade of colonel as provided
19 in section 55-120. No person shall be eligible for ~~such~~ appointment
20 and service as the deputy adjutant general unless he or she is an
21 active member of the Nebraska National Guard. ~~He or she~~ The deputy
22 adjutant general shall have had at least four years of commissioned
23 service in the Nebraska National Guard immediately prior to
24 appointment and shall have attained at least the grade of lieutenant
25 colonel and be eligible for promotion to colonel prior to his or her

1 appointment as deputy adjutant general, ~~chief of staff of the~~
2 ~~Military Department, or deputy director.~~

3 (2) The chief of the National Guard Bureau shall appoint
4 a United States property and fiscal officer. The officer shall hold
5 the minimum grade of colonel. The Governor shall nominate one or more
6 officers for the position of United States property and fiscal
7 officer after consultation with the Adjutant General. All nominees
8 shall have attained at least the grade of lieutenant colonel and be
9 eligible for promotion to colonel prior to his or her nomination. The
10 United States property and fiscal officer may appoint, with the
11 approval of the Adjutant General, one or more assistant United States
12 property and fiscal officers, each with the minimum grade of captain.
13 The United States property and fiscal officer and each assistant
14 United States property and fiscal officer shall be appointed from
15 among the active officers of the Nebraska National Guard and shall
16 have been commissioned officers in the Nebraska National Guard for a
17 period of at least four years immediately prior to appointment.

18 (3) The Adjutant General shall appoint all additional
19 officers, clerks, and caretakers as may be required.

20 Sec. 3. Section 55-126, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 55-126 The deputy adjutant general, ~~chief of staff of the~~
23 ~~Military Department,~~ or civilian deputy director shall aid the
24 Adjutant General by the performance of such duties as may be assigned
25 by the Adjutant General. In case of absence or inability of the

1 Adjutant General, the deputy adjutant general, ~~chief of staff of the~~
2 ~~Military Department,~~ or civilian deputy director shall perform all or
3 such portion of the duties of the Adjutant General as the latter may
4 expressly delegate to him or her. If the Adjutant General has
5 appointed a civilian deputy director the Adjutant General may, in the
6 event of the Adjutant General's absence, delegate the authority to
7 perform the military duties of the Adjutant General to any active
8 officer of the Nebraska National Guard who shall hold the minimum
9 grade of colonel. In the case of absence of both the Adjutant General
10 and the deputy adjutant general, ~~chief of staff of the Military~~
11 ~~Department,~~ or civilian deputy director, the Adjutant General may
12 delegate the authority to perform the military duties of the Adjutant
13 General to any active officer of the Nebraska ~~military~~ National Guard
14 who shall hold ~~at least the rank~~ minimum grade of colonel and the
15 Adjutant General may delegate the authority to perform state duties
16 to any member of his or her appointed executive staff. The deputy
17 adjutant general, ~~chief of staff of the Military Department,~~ or
18 civilian deputy director shall be bonded or insured as required by
19 section 11-201. The deputy adjutant general, ~~chief of staff of the~~
20 ~~Military Department,~~ or civilian deputy director shall receive such
21 salary as the Adjutant General shall direct, payable biweekly. Such
22 salary for the deputy adjutant general shall not exceed the annual
23 pay and allowances of regular military officers of equal rank and
24 time in service, except that when funds made available by the federal
25 government are in excess of the amount payable as directed by the

1 Adjutant General, the excess shall be used to reduce the amount
2 required to be paid by the State of Nebraska. Except when called or
3 ordered to active duty of the United States under 10 U.S.C. in
4 support of missions authorized by the President of the United States
5 or Secretary of Defense, the deputy adjutant general shall not be
6 required to take either paid or unpaid leave, or a leave of absence
7 or a reduction in salary, when performing his or her federal duties
8 whether or not under federal orders.

9 Sec. 4. Original sections 55-120, 55-125, and 55-126,
10 Reissue Revised Statutes of Nebraska, are repealed.