

LEGISLATIVE BILL 570

Approved by the Governor March 13, 1978

Introduced by Government, Military and Veterans Affairs Committee, Rasmussen, 41, Chmn.; George, 16; Duis, 39; Simon, 31; Stoney, 4; Maxey, 46; Chambers, 11

AN ACT to amend sections 55-135, 55-136, 55-138, and 55-143, Reissue Revised Statutes of Nebraska, 1943, relating to the Military Code; to provide an additional cause for separation; to provide that the Adjutant General may make appointments as prescribed; to delete a provision for honorable discharge; and to repeal the original sections.

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

Section 1. 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 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 for-cause pursuant to applicable regulations in force as of the effective date of this act 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. 2. That section 55-136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-136. Staff officers, including officers of the pay, inspection, subsistence, medical, and Adjutant General's department, shall have had previous military experience, and shall hold their positions until they have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for-cause pursuant to applicable regulations in force as of the effective date of this act issued by the Department of the Army or the Department of the Air Force. Vacancies among said officers shall be filled by

appointment by the Governor or the Adjutant General. All commissioned officers are entitled to an honorable discharge in writing at the expiration of their term of office, on properly accounting for all property for which they are responsible. ~~All-enlisted-men, who have served the--required--number--of--years,--are--entitled--to--an honorable-discharge-in-writing.~~

Sec. 3. That section 55-138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-138. The system of selecting and separating officers of the Nebraska National Guard will be as prescribed in regulations issued by the Department of the Army or Department of the Air Force.

Sec. 4. That section 55-143, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-143. At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board as provided by the United States. Commissions of officers of the National Guard may be vacated, upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial, or upon separation based upon the causes set forth in section 55-136. Officers of the guard rendered surplus by the disbandment of their organization shall be disposed of as provided by the United States. Officers may, upon their own application, be placed in the reserve as may be authorized by the United States.

Sec. 5. That original sections 55-135, 55-136, 55-138, and 55-143, Reissue Revised Statutes of Nebraska, 1943, are repealed.