

Sixty-ninth
Legislative Assembly
of North Dakota

**SENATE BILL NO. 2198
with House Amendments**

SENATE BILL NO. 2198

Introduced by

Senators Boschee, Cleary, Meyer

Representatives Pyle, Satrom, Schneider

1 A BILL for an Act to amend and reenact section 37-01-25, subsection 1 of section 37-01-40, and
2 section 37-14-01.1 of the North Dakota Century Code, relating to national guard or federal
3 service leave of absence for state and political subdivision employees and the definition of
4 veteran; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 37-01-25 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **37-01-25. Officers and employees of state or political subdivisions in national guard**
9 **or federal service to retain status for period of active service or any military duty.**

10 ~~All officers and employees of this state or of a political subdivision of this state who:~~

11 1. ~~Are members~~ For purposes of this section, "officer or employee" means:

12 a. ~~A member~~ A member of the national guard;

13 2. ~~Are members~~ A member of the armed forces reserve of the United States of
14 America;

15 3. ~~Shall be~~ An individual subject to call in the federal service by the president of the
16 United States; or

17 4. ~~Shall volunteer~~ An individual who volunteers for such federal service;

18 2. An officer or employee of the state or a political subdivision, when ordered by proper
19 authority to active noncivilian employment for any military duty, ~~are~~ is entitled to a leave
20 of absence from ~~such~~ the civil service for the period of ~~such~~ the active service or
21 military duty including traveling to and from a duty station without loss of status or
22 efficiency rating.

- 1 ~~3.~~ If such persons have the individual has been in the continuous employ of the state or
2 political subdivision ~~for ninety days~~ immediately preceding the leave of absence, ~~they~~
3 ~~shall receive~~ the individual is entitled to twenty workdays each calendar year without
4 loss of pay. ~~In addition, any~~
- 5 ~~4.~~ A leave of absence necessitated by a full or partial mobilization of the reserve and
6 national guard forces of the United States of America, or emergency state active duty,
7 must be without loss of pay for the first thirty days ~~thereof~~ of the absence less any
8 other paid leave of absence which may have been granted during the calendar year
9 ~~pursuant to~~ in accordance with this section.
- 10 ~~5.~~ If leave is required for any military duty or travel to and from a duty station on a day in
11 which a public officer or employee is scheduled to perform the work of the state or of a
12 political subdivision, the officer or employee must be given the option of time:
13 ~~a.~~ Time off with a concurrent loss of pay for the period missed, ~~the use;~~
14 ~~b.~~ Use of leave of absence without loss of pay for the period missed, ~~or an~~
15 ~~opportunity~~
16 ~~c.~~ Opportunity to reschedule the workperiod so the reserve or national guard
17 military duty or travel to and from a duty station occurs during time off from work
18 without loss of status or efficiency rating.

19 **SECTION 2. AMENDMENT.** Subsection 1 of section 37-01-40 of the North Dakota Century
20 Code is amended and reenacted as follows:

- 21 1. A "veteran" is an individual who ~~has~~ served on continuous federalized active
22 ~~military~~ uniformed services duty for one hundred eighty days or the full period for which
23 the individual was called or ordered to active ~~military~~ duty for reasons other than
24 training, and who was discharged or released under other than dishonorable
25 conditions. A discharge reflecting "expiration of term of service" or "completion of
26 required service" or words to that effect qualifies the shorter term of service as making
27 the individual a veteran.

28 **SECTION 3. AMENDMENT.** Section 37-14-01.1 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **37-14-01.1. Definition of veteran.**

- 31 1. As used in this chapter, "veteran" means:

1 a. An individual ~~who served in the armed forces of the United States on federal~~
2 ~~active duty~~:

3 (1) ~~For reasons other than training and who has been discharged under other~~
4 ~~than dishonorable conditions~~Defined as a veteran under subsection 1 of
5 section 37-01-40; or

6 (2) To whom the United States veterans administration has assigned a
7 service-connected disability rating;

8 b. Current members of the national guard or reserve; or

9 c. Former members of the national guard or reserve who have been discharged
10 under other than dishonorable conditions.

11 2. Subdivisions b and c of subsection 1 do not apply to section 37-14-14.

12 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.