

TESTIMONY OF
BRIGADIRE GENERAL JACKIE HUBER
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE AGRICULTURE AND VETERANS AFFAIRS
03 MARCH 2023
HOUSE BILL 1069

Good morning, Chairman Luick, members of the committee, I am Jackie Huber, Deputy Adjutant General for the North Dakota National Guard (NDNG). I am here today to testify in support of House Bill 1069.

House Bill 1069 does a number of things, first it proposes a new chapter of Title 37 of the North Dakota Century Code, concerning the expenses and pay of officer and enlisted members of the national guard. Second, it consolidates two older sections of law. Finally, it updates state law on how we pay members when on State Active Duty (SAD).

This bill does not impact the pay and benefits of any full-time employee of the National Guard or the Office of the Adjutant General. These changes only impact the pay and benefits of National Guard members called into state active duty by the Governor. These are the National Guard members being activated to respond to floods, fires, and civil disturbances, and right now they are responding for less pay than their counterparts in surrounding states.

In the Spring of 2021 North Dakota Army National Guard experienced a situation that brought to light the issue we want to solve with HB 1069, SAD Pay and Incentive Equity. For most of that year, all but two of the NDNG Black Hawk helicopters were in the Washington D.C. area for a federal mission. On April 1, 2021, our two remaining Blackhawks were sufficient to fight the fire near Medora and saved the town. However, the fires we experienced a month later in the badlands and near the town of Mandaree, exceeded the capacity of the Blackhawks we had in the state. We requested Emergency Management Assistance Compact (EMAC) support from the South Dakota National Guard for two Blackhawks to fight the fire near Mandaree. The two aircraft and crews promptly arrived and were able to get fires under control.

EMAC agreements require the requesting state pay the supporting state personnel based on the supporting state's State Active Duty pay scale. Since South Dakota provides their national guard members higher pay, North Dakota paid the four-person South Dakota crews over \$3,200 more than we paid the North Dakota crews for the same services.

It was this situation that caused us to look further into how North Dakota compared to other states regarding SAD compensation. We reviewed pay from South Dakota, Iowa, Kansas, Idaho and Minnesota. During our comparison we discovered that North

Dakota's pay was behind these states and identified methods that we could use to provide comparable pay to our service members.

The duration of the emergency and number of National Guard members called up to respond are the major factors in cost. A typical State Active-Duty mission is a few days and requires a couple dozen personnel. For example, the train derailment fire response near Minot in the Spring of 2022. When we compared our current pay to our proposed pay for this event the difference was \$460. For larger, longer events the costs can be higher, but as the scope of an event grows so does the likelihood of a federal disaster declaration, which typically triggers a federal cost share. For example, the 2009 and 2011 flood events resulted in a federal disaster declaration providing for a cost share of 90% by the federal government.

The recommended changes in this bill are based on authorities being used in other states. Section 1, sub-section 1, provides the authority to pay the maximum amount that a National Guard member of same grade would be authorized if activated by the federal government. This section also provides that no National Guard member will receive SAD pay at a rate below that of a member in the grade of E-3. Section 1, sub-section 5, updates the authority of The Adjutant General to pay members incentive pay comparable to that authorized by federal law. Finally, Section 1, sub-section 6, authorizes pay for members on SAD beyond fourteen days for necessary rest and recovery as deemed necessary to ensure the safety and readiness of the member while ensuring the mission is accomplished. These authorities will make North Dakota comparable to other states in the region for pay and benefits when members serve in a State Active-Duty status.

Our proposed changes and updates to Title 37 are critical to provide equitable pay for our national guard members and are justified by the hazards endured while answering the state's call to service as well as the disruption caused to their personal lives.

I ask for your support of HB 1069 and will stand by for any questions.