

PROPOSED AMENDMENTS TO

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 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 entitled to a leave
20 of absence from ~~sueh~~the civil service for the period of ~~sueh~~the active service or

1 military duty including traveling to and from a duty station without loss of status or
2 efficiency rating.

3 3. ~~If such persons have~~ the individual has been in the continuous employ of the state or
4 political subdivision ~~for ninety days~~ immediately preceding the leave of absence, ~~they~~
5 ~~shall receive~~ the individual is entitled to twenty workdays each calendar year without
6 loss of pay. ~~In addition, any~~

7 4. A leave of absence necessitated by a full or partial mobilization of the reserve and
8 national guard forces of the United States of America, or emergency state active duty,
9 must be without loss of pay for the first thirty days ~~thereof~~ the absence less any
10 other paid leave of absence which may have been granted during the calendar year
11 ~~pursuant to~~ in accordance with this section.

12 5. If leave is required for any military duty or travel to and from a duty station on a day in
13 which a public officer or employee is scheduled to perform the work of the state or of a
14 political subdivision, the officer or employee must be given the option of time:

15 a. Time off with a concurrent loss of pay for the period missed, ~~the use;~~

16 b. Use of leave of absence without loss of pay for the period missed; ~~or an~~
17 ~~opportunity~~

18 c. Opportunity to reschedule the workperiod so the reserve or national guard
19 military duty or travel to and from a duty station occurs during time off from work
20 without loss of status or efficiency rating.

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

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

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

1 **37-14-01.1. Definition of veteran.**

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

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

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

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

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

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

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

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