

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact a new chapter to title 37 of the North Dakota Century
2 Code, relating to the pay and benefits received by national guard members; to amend and
3 reenact subsection 9 of section 37-17.1-05 of the North Dakota Century Code, relating to
4 response to disasters or emergencies; and to repeal sections 37-04-08, 37-04-09, 37-04-11,
5 37-04-12, 37-04-13, and 37-07-05 of the North Dakota Century Code, relating to expenses and
6 pay of officer and enlisted members of the national guard; and to declare an emergency.

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

8 **SECTION 1.** A new chapter to title 37 of the North Dakota Century Code is created and
9 enacted as follows:

10 **37-04.1-01. Pay and allowances of national guard members - Deductions allowed.**

- 11 1. Each officer and enlisted member of the national guard, when called ~~into active~~
12 ~~service~~ to state active duty by the governor, is entitled to receive pay and allowances at
13 the highest rate provided for national guard members of the same grade in the
14 national guard of the United States, except any enlisted member serving in a grade
15 below E-3 will be paid the same as an enlisted member serving in the grade of E-3,
16 and the daily pay rate for each of the grades listed must be increased as follows:
- 17 a. E-3 - fifty-five percent.
 - 18 b. E-4 - forty-five percent.
 - 19 c. E-5 - thirty-five percent.
 - 20 d. E-6 - twenty-five percent.
 - 21 e. E-7 - fifteen percent.
 - 22 f. E-8 - ten percent.
- 23 2. If ordered by the governor in response to an emergency management assistance
24 compact request and the requesting state pays state active duty pay at a higher rate

1 than this state, national guard officers and enlisted members may receive the higher
2 rate of pay when this state is reimbursed at the higher rate.

3 3. Each officer and enlisted member of the national guard is entitled to receive
4 transportation, shelter, and subsistence. The value of articles issued to any national
5 guard member and not returned in good order on demand, and all legal fines or
6 forfeitures, may be deducted from the ~~members~~member's pay.

7 4. Each officer and enlisted member of the national guard is entitled to receive a state
8 active duty pay enhancement of three hundred dollars for every month spent on state
9 active duty or a prorated amount for each day of state active duty up to three hundred
10 dollars per month.

11 5. Each officer and enlisted member of the national guard, when called to state active
12 duty by the governor, is entitled to receive the same incentive pay that an officer or
13 enlisted member of the same grade and rating would be eligible to receive if called to
14 active duty under federal authority in service of the United States, not to exceed the
15 monthly amount authorized for the incentive under federal law.

16 6. Commissioned officers and enlisted members serving on state active duty for more
17 than fourteen days may, at the discretion of their commanding officer, receive pay for
18 necessary rest and recovery while on duty if it is deemed necessary to ensure the
19 national guard members' readiness to perform assigned duties while on state active
20 duty.

21 **37-04.1-02. Expenses allowed officers and enlisted members of national guard.**

22 Officers or enlisted members of the national guard when called into state active duty by the
23 governor must be reimbursed for traveling and incidental expenses at the same rate provided
24 by law for other state officials. The adjutant general may authorize the purchase of meals or
25 rations for officers or enlisted members of the national guard in a duty or travel status in lieu of
26 individual reimbursement for meals.

27 **37-04.1-03. Pay of national guard members serving on boards, commissions, and**
28 **courts.**

29 An officer or enlisted member of the national guard detailed to serve on any board or
30 commission ordered by the governor, or under the governor's authority by the commanding
31 officer of the national guard, or on any court of inquiry or court-martial ordered by proper

1 authority under any provision of this title, is entitled to receive pay and allowances at the highest
2 rate provided for national guard members of the same grade in the national guard of the United
3 States for each day that officer or enlisted member is actually employed on the board or court,
4 or engaged in the business of the board or court, including any day the officer or enlisted
5 member is traveling to and from the board or court. The sum received may not exceed ten days'
6 pay and the actual traveling expenses and subsistence unless, upon application of the
7 president of the court-martial or the presiding officer of the board, the officer appointing the
8 court or board has authorized the court or board to sit for a longer period, or in case of a court-
9 martial, the governor or officer ordering the court has authorized the court to sit for a period
10 longer than ten days.

11 **37-04.1-04. Pay and allowances allowed national guard called to service under federal**
12 **authority.**

13 An officer or enlisted member of the national guard ordered to active duty under federal
14 authority, while so assigned, must receive the pay and allowances authorized under federal law.

15 **SECTION 2. AMENDMENT.** Subsection 9 of section 37-17.1-05 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 9. The governor may authorize the adjutant general to recall to state active duty, on a
18 volunteer basis, former members of the North Dakota national guard. Those recalled
19 must possess the qualifications required by the disaster or emergency. Recall under
20 this subsection is effective only for the duration of the disaster or emergency and
21 recalled personnel will be released from state active duty upon competent authority
22 that the requirement of their service under this subsection has passed. Compensation
23 for personnel recalled under this subsection will be based upon section
24 37-07-0537-04.1-01.

25 **SECTION 3. REPEAL.** Sections 37-04-08, 37-04-09, 37-04-11, 37-04-12, 37-04-13, and
26 37-07-05 of the North Dakota Century Code are repealed.

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