

North Dakota Senate

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Legislative Assembly

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COMMITTEES:

Education
Workforce Development

SB 2198 Testimony House Political Subdivisions Committee March 20, 2025

Chair Longmuir and members of the House Political Subdivisions Committee,

I bring to you SB 2198, which is intended to remove a waiting period for newly hired public employees to be eligible for their 20 days of paid military leave. While the legislation has several changes, most of it is format and style clean up by Legislative Council. The substance of the bill is on page 1, line 23 where I am proposing we strike out the words "for ninety days".

It came to my attention this past summer that a state employee who was returning to work for the state following a break in his public service to work in the private sector was not eligible for paid military leave due to the language in 37-01-25. He serves in the ND National Guard and was preparing for his two weeks of annual training. His supervisor and agency are supportive of his Guard service, which aligns with our state's goal of being a military friendly state to work, live, learn and retire. However, the 90-day restriction in this section of the Century Code was a little bit of a surprise to them.

When I raised this concern with the National Guard, they were aware of another newly hired state employee that faced the same experience as they were being called up to assist with the wildfires in western North Dakota. With the support of the National Guard, I am introducing this legislation to continue our work of making North Dakota the most military friendly state for current and retired military members.

According to Legislative Council's research, this statute was originally enacted in 1935, and the 90-day requirement was added in 1945 by Senate Bill 176. However, their legislative history of testimony does not go back that far so I wasn't able to learn the rationale for the addition of the requirement.

Additionally, I'd ask the Committee to consider amending the bill with the amendment attached to my testimony that was prepared by Legislative Council. The ND Department of Veterans Affairs reached out to ask if I'd be open to having 2198 amended to include an updated definition of a Veteran. This is to align our Century Code definition of veteran to definitions of uniformed services, armed forces, and military services and the Federal Department of Veterans Affairs. Someone from the state DVA will be available to answer questions of the committee about this amendment.

I hope you'll provide SB 2198 your support and I'm happy to stand for any questions or comments you may have.

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2198

Introduced by

Senators Boschee, Cleary, Meyer

Representatives Pyle, Satrom, Schneider

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

a. A member of the national guard;

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

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

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

2. An officer or employee of the state or a political subdivision, when ordered by proper
authority to active noncivilian employment for any military duty, are is entitled to a leave
of absence from ~~such~~ the civil service for the period of ~~such~~ 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~~ of 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~~ 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:

37-14-01.1. Definition of veteran.

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

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

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

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

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

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

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