

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1056
(Government and Veterans Affairs Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact sections 37-07-05 and 37-04-08 of the North Dakota Century Code, relating to pay of national guard members when called to state active duty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-07-05 of the North Dakota Century Code is amended and reenacted as follows:

37-07-05. Pay and allowances of enlisted national guard members - Deductions allowed.

Each enlisted member of the national guard, when called into active service by the governor, shall receive pay at the rate provided for enlisted personnel of similar grade, rating, and term of enlistment in the national guard of the United States, except that such daily pay rate for each of the grades hereafter listed must be increased by the percentage set forth after such grade as follows:

1. E-3 55%
2. E-4 45%
3. E-5 35%
4. E-6 25%
5. E-7 15%
6. E-8 10%

Each enlisted member shall also receive transportation, shelter, and subsistence. The value of articles issued to any member of a company or battery and not returned in good order on demand, and all legal fines or forfeitures, may be deducted from the member's pay. Each enlisted member shall also receive a state active duty pay enhancement of one hundred dollars for every fourteen consecutive days spent on state active duty. Pay at an annual encampment must be such as is allowed by federal law.

SECTION 2. AMENDMENT. Section 37-04-08 of the North Dakota Century Code is amended and reenacted as follows:

37-04-08. Pay received by personnel commissioned officers of the national guard.

Every commissioned officer of the national guard shall receive from this state, while engaged in any service ordered by the governor, pay and allowances at the rate allowed by law to officers of similar rank and length of service in the United States army. Each commissioned officer of the national guard shall also receive a state active duty pay enhancement of one hundred dollars for every fourteen consecutive days spent on state active duty. The adjutant general and deputy assistant adjutant general when receiving salary from the state and not on active duty in a federal status shall receive such compensation as may be appropriated by the legislative assembly for that purpose, provided that when the adjutant general receives compensation from the government of the United States as director of selective service, such compensation must be deducted from the compensation otherwise due the adjutant general from the state and the adjutant general may be paid from state funds only the

difference, if any, between the compensation from the United States and the compensation provided in this section.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1056 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 92 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,
at _____ o'clock _____ M.

Secretary of State