

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact section 37-01-47 of the North Dakota Century Code,
2 relating to health insurance coverage for national guard service members; to amend and
3 reenact sections 37-04-08 and 37-07-05 of the North Dakota Century Code, relating to pay and
4 benefits of national guard members; and to declare an emergency.

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

6 **SECTION 1.** Section 37-01-47 of the North Dakota Century Code is created and enacted as
7 follows:

8 **37-01-47. Health insurance coverage while on state active duty.**

9 During the period of active duty, the national guard may pay any primary health insurance
10 premium on behalf of a national guard service member or an employer-sponsored health
11 insurance premium cost share paid by the service member while called to state active duty.
12 Coverage of qualifying premium payment is subject to rules set forth by the adjutant general's
13 office and subject to available funds.

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

16 **37-04-08. Pay received by commissioned officers of the national guard.**

17 Every commissioned officer of the national guard ~~shall~~is entitled to receive from this state,
18 while engaged in any service ordered by the governor, pay and allowances at the rate allowed
19 by law to officers of similar rank and length of service in the United States army. If ordered to
20 active duty by the governor in response to an emergency management assistance compact
21 request and if the requesting state pays state active duty pay at a higher rate than this state, the
22 commissioned officer is entitled to the higher rate of pay. Each commissioned officer of the
23 national guard ~~shall also~~is entitled to receive a state active duty pay enhancement of ~~one~~three
24 hundred dollars for every ~~fourteen consecutive days~~month spent on state active duty or a

1 prorated amount for each day of state active duty up to three hundred dollars per month. The
2 adjutant general and deputy assistant adjutant general when receiving salary from the state and
3 not on active duty in a federal status ~~shall~~are entitled to receive such compensation as may be
4 appropriated by the legislative assembly for that purpose, provided that when the adjutant
5 general receives compensation from the government of the United States as director of
6 selective service, such compensation must be deducted from the compensation otherwise due
7 the adjutant general from the state and the adjutant general may be paid from state funds only
8 the difference, if any, between the compensation from the United States and the compensation
9 provided in this section.

10 **SECTION 3. AMENDMENT.** Section 37-07-05 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **37-07-05. Pay and allowances of enlisted national guard members - Deductions**
13 **allowed.**

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

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|----|----|-----------|-----|-----|
| 19 | 4. | <u>a.</u> | E-3 | 55% |
| 20 | 2. | <u>b.</u> | E-4 | 45% |
| 21 | 3. | <u>c.</u> | E-5 | 35% |
| 22 | 4. | <u>d.</u> | E-6 | 25% |
| 23 | 5. | <u>e.</u> | E-7 | 15% |
| 24 | 6. | <u>f.</u> | E-8 | 10% |

25 2. If ordered by the governor in response to an emergency management assistance
26 compact request and if the requesting state pays state active duty pay at a higher rate
27 than this state, the enlisted member may receive the higher rate of pay if the
28 requesting state reimburses this state for the higher rate of pay. Each enlisted member
29 ~~shall also~~is entitled to receive transportation, shelter, and subsistence. The value of
30 articles issued to any member of a company or battery and not returned in good order
31 on demand, and all legal fines or forfeitures, may be deducted from the member's pay.

1 Each enlisted member ~~shall~~ also is entitled to receive a state active duty pay
2 enhancement of ~~one~~three hundred dollars for every ~~fourteen consecutive days~~month
3 spent on state active duty or a prorated amount for each day of state active duty up to
4 three hundred dollars per month. Pay at an annual encampment must be such as is
5 allowed by federal law.

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