

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2107

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; to provide for retroactive application; and to declare an  
5 emergency.

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

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

9 **37-01-47. Health insurance coverage while on state active duty.**

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

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

17 **37-04-08. Pay received by commissioned officers of the national guard.**

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

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

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

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

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

- |    |    |           |     |     |
|----|----|-----------|-----|-----|
| 20 | 1. | <u>a.</u> | E-3 | 55% |
| 21 | 2. | <u>b.</u> | E-4 | 45% |
| 22 | 3. | <u>c.</u> | E-5 | 35% |
| 23 | 4. | <u>d.</u> | E-6 | 25% |
| 24 | 5. | <u>e.</u> | E-7 | 15% |
| 25 | 6. | <u>f.</u> | E-8 | 10% |

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

1           on demand, and all legal fines or forfeitures, may be deducted from the member's pay.  
2           Each enlisted member shall also is entitled to receive a state active duty pay  
3           enhancement of ~~one~~three hundred dollars for every ~~fourteen consecutive days~~month  
4           spent on state active duty or a prorated amount for each day of state active duty up to  
5           three hundred dollars per month. Pay at an annual encampment must be such as is  
6           allowed by federal law.

7           **SECTION 4. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to  
8           eligible expenses incurred by national guard service members called to state active duty in  
9           response to protest activities since August 19, 2016.

10          **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.