

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1193
(Representatives Pyle, Cory, J. Olson, Roers Jones, Warrey)
(Senators Bekkedahl, Meyer, Patten, Wobbema)

AN ACT to amend and reenact section 37-01-25 of the North Dakota Century Code, relating to leave of absence without loss of pay for military duties.

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 ~~thereof~~of this state who:

1. Are members of the national guard;
2. Are members of the armed forces reserve of the United States of America;
3. Shall be subject to call in the federal service by the president of the United States; or
4. Shall volunteer for such service,

when ordered by proper authority to active noncivilian employment for any military duty, are entitled to a leave of absence from such civil service for the period of such active service or military duty including traveling to and from a duty station without loss of status or efficiency rating. If such persons have been in the continuous employ of the state or political subdivision for ninety days immediately preceding the leave of absence, they shall receive twenty workdays each calendar year without loss of pay. In addition, any leave of absence necessitated by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, must be without loss of pay for the first thirty days thereof less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. ~~However, if~~ if leave is required for ~~weekend, daily, or hourly periods of drill for~~any military training duty or travel to and from a duty station on a day in which a public officer or employee is scheduled to perform the work of the state or of a political subdivision, the officer or employee must be given the option of time off with a concurrent loss of pay for the period missed ~~or must be given, the use of leave of absence without loss of pay for the period missed, or an opportunity to reschedule the workperiod so that the reserve or national guard weekend, daily, or hourly drill or period of training~~military duty or travel to and from a duty station occurs during time off from work without loss of status or efficiency rating.

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-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1193.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State