

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2198
(Senators Boschee, Cleary, Meyer)
(Representatives Pyle, Satrom, Schneider)

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; and to declare an emergency.

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 military duty including traveling to and from a duty station without loss of status or efficiency rating.
3. ~~If such persons have the individual has~~ been in the continuous employ of the state or political subdivision for ninety days immediately preceding the leave of absence, ~~they shall receive the individual is entitled to~~ twenty workdays each calendar year without loss of pay. ~~In addition, any~~
4. ~~A~~ 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 of the absence~~ less any other paid leave of absence which may have been granted during the calendar year ~~pursuant to in accordance with~~ this section.
5. If leave is required for any military 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~~:
 - a. ~~Time~~ off with a concurrent loss of pay for the period missed, ~~the use~~;
 - b. ~~Use~~ of leave of absence without loss of pay for the period missed; ~~or an opportunity~~

- c. Opportunity to reschedule the workperiod so the reserve or national guard military duty or travel to and from a duty station occurs during time off from work without loss of status or efficiency rating.

SECTION 2. AMENDMENT. Subsection 1 of section 37-01-40 of the North Dakota Century Code is amended and reenacted as follows:

1. A "veteran" is an individual who has served on continuous federalized active ~~military~~uniformed services duty for one hundred eighty days or the full period for which the individual was called or ordered to active ~~military~~ duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran.

SECTION 3. AMENDMENT. Section 37-14-01.1 of the North Dakota Century Code is 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.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2198 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

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

Vote: Yeas 90 Nays 0 Absent 4

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,
at _____ o'clock _____ M.

Secretary of State