

38A:4-3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 141
NJSA: 38A:4-3 (Benefits for National Guard)
BILL NO: A3565 (Substituted for S730)
SPONSOR(S): Sires and others
DATE INTRODUCED: May 8,2003
COMMITTEE: **ASSEMBLY:** Military and Veterens Affairs; Budget

SENATE Budget and Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 15, 2003

SENATE: June 30, 2003

DATE OF APPROVAL: August 1, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A3565

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [5-8-03 \(Budget\)](#)
[5-8-03 \(Military\)](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S730

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [5-15-03 \(State Govt\)](#)
[6-12-03 \(Budget\)](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 292-6220 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New law boosts pay for National Guard", 8-2-2003 Courier-News, p.A3

"N.J. Guard gains on pay, benefits", 8-2-2003 Star-Ledger, p.5

"Law signed on benefits, pay in Guard", 8-2-2003 Home News Tribune, p.A3

"Pay benefits increased", 8-2-2003 The Times, pA5.

P.L. 2003, CHAPTER 141, *approved August 1, 2003*
Assembly Bill No. 3565

1 AN ACT establishing a per diem base pay of \$100 for members of the
2 National Guard called to State active duty and amending
3 N.J.S.38A:4-3.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.38A:4-3 is amended to read as follows:

9 38A:4-3. **[Any]** a. An officer or enlisted member ordered to State
10 active duty **[by the Governor]** shall receive the pay and allowances
11 prescribed by Federal laws and regulations for an officer or enlisted
12 member of corresponding grade and length of service when on Federal
13 active duty **[in Federal service; provided, however, that said pay and**
14 allowances shall not be paid when pay and allowances for such duty
15 shall be], provided that an officer or enlisted member of the Army
16 National Guard or Air National Guard shall be paid a minimum of
17 \$100 of base pay for each day the officer or member is on State active
18 duty.

19 b. Notwithstanding subsection a. of this section, the State shall not
20 provide pay and allowances for State active duty service when pay and
21 allowances for such service is provided out of Federal funds, unless
22 Federal funds are insufficient to provide an officer or enlisted member
23 with the minimum of \$100 for each day of State active duty service.

24 This provision shall not limit or restrict the applicability of 38A:4-4
25 to individuals detailed to the Department of Defense in a permanent
26 duty status.

27 (cf: N.J.S.38A:4-3)

28
29 2. This act shall take effect on the first day of the second month
30 following enactment.

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STATEMENT

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35 Under current law, a member of the New Jersey National Guard
36 who is called to State active duty is paid according to a formula in
37 federal law based upon the rank of the member and the number of
38 hours worked. For the lower ranks, the pay can amount to
39 approximately \$50 per day. This bill does not replace the rank-based
40 pay system, but provides that for each day a member of the National
41 Guard is on State active duty, the member will be paid a minimum of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 \$100 in base pay. The change would not apply to members of the
2 National Guard who are on permanent duty, such as generals and
3 certain other high-ranking officers. The change also would not apply
4 to members of the National Guard called to federal active duty. The
5 \$100 minimum daily base pay does not include housing and
6 subsistence allowances.

7 State active duty is duty called by the Governor in case of
8 insurrection, invasion, tumult, riot, breach of the peace, natural
9 disaster or imminent danger to public safety. The ongoing mission of
10 the National Guard to protect certain installations around the State,
11 such as the George Washington Bridge, the Lincoln and Holland
12 tunnels, and the nuclear power plants in Salem and Oyster Creek is
13 considered State active duty.

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18 Establishes a minimum per diem base pay of \$100 for members of
19 National Guard called to State active duty.

ASSEMBLY, No. 3565

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 8, 2003

Sponsored by:

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

Assemblymen Ahearn, Azzolina, Burzichelli, Conaway, Conners, Assemblywoman Cruz-Perez, Assemblymen Eagler, Fisher, Assemblywoman Greenstein, Assemblyman Guear, Assemblywoman Previte, Assemblymen R.Smith, Van Drew, Doria, McKeon, Assemblywomen Perez-Cinciarelli, Quigley, Assemblymen Barnes, Caraballo, Chivukula, Diegnan, Edwards, Egan, Green, Hackett, Johnson, Payne, Assemblywoman Pou, Assemblymen Sarlo, Stanley, Steele, Senators Allen, Bucco, Palaia and Inverso

SYNOPSIS

Establishes a minimum per diem base pay of \$100 for members of National Guard called to State active duty.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 7/1/2003)

A3565 SIRES, WISNIEWSKI

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1 AN ACT establishing a per diem base pay of \$100 for members of the
2 National Guard called to State active duty and amending
3 N.J.S.38A:4-3.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. N.J.S.38A:4-3 is amended to read as follows:

9 38A:4-3. **[Any]** a. An officer or enlisted member ordered to State
10 active duty [by the Governor] shall receive the pay and allowances
11 prescribed by Federal laws and regulations for an officer or enlisted
12 member of corresponding grade and length of service when on Federal
13 active duty [in Federal service; provided, however, that said pay and
14 allowances shall not be paid when pay and allowances for such duty
15 shall be], provided that an officer or enlisted member of the Army
16 National Guard or Air National Guard shall be paid a minimum of
17 \$100 of base pay for each day the officer or member is on State active
18 duty.

19 b. Notwithstanding subsection a. of this section, the State shall not
20 provide pay and allowances for State active duty service when pay and
21 allowances for such service is provided out of Federal funds, unless
22 Federal funds are insufficient to provide an officer or enlisted member
23 with the minimum of \$100 for each day of State active duty service.
24 This provision shall not limit or restrict the applicability of 38A:4-4
25 to individuals detailed to the Department of Defense in a permanent
26 duty status.

27 (cf: N.J.S.38A:4-3)

28

29 2. This act shall take effect on the first day of the second month
30 following enactment.

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STATEMENT

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35 Under current law, a member of the New Jersey National Guard
36 who is called to State active duty is paid according to a formula in
37 federal law based upon the rank of the member and the number of
38 hours worked. For the lower ranks, the pay can amount to
39 approximately \$50 per day. This bill does not replace the rank-based
40 pay system, but provides that for each day a member of the National
41 Guard is on State active duty, the member will be paid a minimum of
42 \$100 in base pay. The change would not apply to members of the
43 National Guard who are on permanent duty, such as generals and

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Matter underlined thus is new matter.

A3565 SIRES, WISNIEWSKI

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1 certain other high-ranking officers. The change also would not apply
2 to members of the National Guard called to federal active duty. The
3 \$100 minimum daily base pay does not include housing and
4 subsistence allowances.

5 State active duty is duty called by the Governor in case of
6 insurrection, invasion, tumult, riot, breach of the peace, natural
7 disaster or imminent danger to public safety. The ongoing mission of
8 the National Guard to protect certain installations around the State,
9 such as the George Washington Bridge, the Lincoln and Holland
10 tunnels, and the nuclear power plants in Salem and Oyster Creek is
11 considered State active duty.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3565

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Budget Committee reports favorably Assembly Bill No. 3565.

Assembly Bill No. 3565 establishes a minimum per diem base pay of \$100 for members of National Guard called to State active duty.

Under current law, a member of the New Jersey National Guard who is called to State active duty is paid according to a formula in federal law based upon the rank of the member and the number of hours worked. For the lower ranks, the pay can amount to approximately \$50 per day.

This bill does not replace the rank-based pay system, but provides that for each day a member of the National Guard is on State active duty, the member will be paid a minimum of \$100 in base pay. The change will not apply to members of the National Guard who are on permanent duty, such as generals and certain other high-ranking officers. The change also will not apply to members of the National Guard called to federal active duty. The \$100 minimum daily base pay does not include housing and subsistence allowances.

State active duty is duty called by the Governor in case of insurrection, invasion, tumult, riot, breach of the peace, natural disaster or imminent danger to public safety. The ongoing mission of the National Guard to protect certain installations around the State, such as the George Washington Bridge, the Lincoln and Holland tunnels, and the nuclear power plants in Salem and Oyster Creek is considered State active duty.

FISCAL IMPACT:

No data are available concerning the number of persons affected by the bill or on the number of persons in each rank; amounts paid depend on the number of persons called to active duty by the Governor.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3565

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly, No. 3565.

Under current law, a member of the New Jersey National Guard who is called to State active duty is paid according to a formula in federal law based upon the rank of the member and the number of hours worked. For the lower ranks, the pay can amount to approximately \$50 per day. This bill does not replace the rank-based pay system, but provides that for each day a member of the National Guard is on State active duty, the member will be paid a minimum of \$100 in base pay. The change would not apply to members of the National Guard who are on permanent duty, such as generals and certain other high-ranking officers. The change also would not apply to members of the National Guard called to federal active duty. The \$100 minimum daily base pay does not include housing and subsistence allowances.

State active duty is duty called by the Governor in case of insurrection, invasion, tumult, riot, breach of the peace, natural disaster or imminent danger to public safety. The ongoing mission of the National Guard to protect certain installations around the State, such as the George Washington Bridge, the Lincoln and Holland tunnels, and the nuclear power plants in Salem and Oyster Creek is considered State active duty.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3565

STATE OF NEW JERSEY

DATED: JUNE 24, 2003

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3565.

This bill establishes a minimum per diem base pay of \$100 for members of the National Guard called to State active duty.

State active duty is duty called by the Governor in case of insurrection, invasion, tumult, riot, breach of the peace, natural disaster or imminent danger to public safety. The ongoing mission of the National Guard to protect certain installations around the State, such as the George Washington Bridge, the Lincoln and Holland tunnels, and the nuclear power plants in Salem and Oyster Creek, is considered State active duty.

Under current law, a member of the New Jersey National Guard who is called to State active duty is paid according to a formula in federal law based upon the rank of the member and the number of hours worked. For the lower ranks, the pay can amount to approximately \$50 per day.

This bill does not replace the rank-based pay system, but provides that for each day a member of the National Guard is on State active duty, the member will be paid a minimum of \$100 in base pay. The change will not apply to members of the National Guard who are on permanent duty, such as generals and certain other high-ranking officers. The change also will not apply to members of the National Guard called to federal active duty. The \$100 minimum daily base pay does not include housing and subsistence allowances.

The provisions of this bill are identical to those of Senate Bill No. 2508, which the committee also reports this day.

FISCAL IMPACT

In an update of fiscal information regarding other legislation of similar effect, the Department of Military and Veterans Affairs has indicated that, for National Guard members currently deployed under State active duty, the increase in compensation expected to result from the implementation of this legislation is about \$640,000 per year.

SENATE, No. 730

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JANUARY 15, 2002

Sponsored by:

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

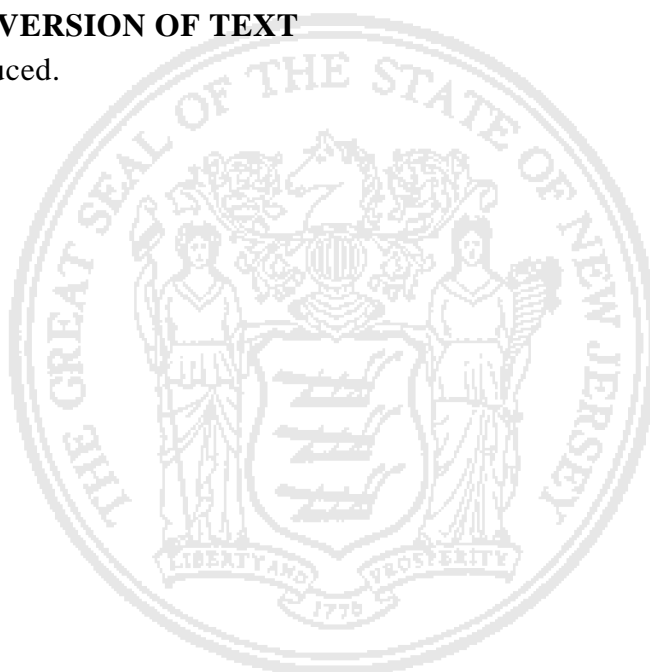
Senators Palaia and Inverso

SYNOPSIS

Establishes a minimum per diem rate of pay of \$100 for members of National Guard called to State active duty.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/16/2003)

1 AN ACT establishing a per diem rate of pay of \$100 for members of
2 the National Guard called to State active duty and amending
3 N.J.S.38A:4-3.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. N.J.S.38A:4-3 is amended to read as follows:

9 38A:4-3. **[Any]** a. An officer or enlisted member ordered to State
10 active duty [by the Governor] shall receive the pay and allowances
11 prescribed by Federal laws and regulations for an officer or enlisted
12 member of corresponding grade and length of service when on Federal
13 active duty [in Federal service; provided, however, that said pay and
14 allowances shall not be paid when pay and allowances for such duty
15 shall be], provided that an officer or enlisted member of the Army
16 National Guard or Air National Guard shall be paid a minimum of
17 \$100 for each day the officer or member is on State active duty.

18 The Adjutant General, in consultation with the Department of the
19 Treasury, shall annually adjust the minimum daily rate of pay in direct
20 proportion to the percentage increase in the Consumer Price Index
21 over a 12-month period beginning May 1 and ending April 30. For the
22 purpose of this subsection, "Consumer Price Index" means the
23 Consumer Price Index for All Urban Consumers, New York-Northern
24 New Jersey-Long Island Metropolitan Area, All Items (1982-84=100),
25 as published by the Bureau of Labor Statistics in the United States
26 Department of Labor. The amount of the adjustment shall be
27 determined by June 1 of each year, with the first adjustment to be
28 determined by June 1, 2003. The adjustment shall become effective
29 for payments beginning on or after July 1 of the year in which the
30 adjustment is made. If the reference base of the index is changed, the
31 index used to determine the Consumer Price Index shall be the index
32 converted to the new base by standard statistical methods.

33 b. Notwithstanding subsection a. of this section, the State shall not
34 provide pay and allowances for State active duty service when pay and
35 allowances for such service is provided out of Federal funds, unless
36 Federal funds are insufficient to provide an officer or enlisted member
37 with the minimum of \$100 for each day of State active duty service.

38 This provision shall not limit or restrict the applicability of 38A:4-4
39 to individuals detailed to the Department of Defense in a permanent
40 duty status.

41 (cf: N.J.S.38A:4-3)

42
43 2. This act shall take effect on the first day of the second month
44 following enactment.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

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Under current law, a member of the New Jersey National Guard who is called to State active duty is paid according to a formula in federal law based upon the rank of the member and the number of hours worked. For the lower ranks, the pay can amount to less than \$50 per day. This bill does not replace the rank-based pay system, but provides that for each day a member of the National Guard is on State active duty, the member will be paid a minimum of \$100. The change would not apply to members of the National Guard who are on permanent duty, such as generals and certain other high-ranking officers. The change also would not apply to members of the National Guard called to federal active duty. The \$100 minimum daily rate would be adjusted annually for inflation, as measured by the consumer price index.

State active duty is duty called by the Governor in case of insurrection, invasion, tumult, riot, breach of the peace, natural disaster or imminent danger to public safety. The ongoing mission of the National Guard to protect certain installations around the State, such as the George Washington Bridge, the Lincoln and Holland tunnels, and the nuclear power plants in Salem and Oyster Creek is considered State active duty.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 730

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2003

The Senate State Government Committee reports favorably and with committee amendments, Senate, No. 730.

Under current law, a member of the New Jersey National Guard who is called to State active duty is paid according to a formula in federal law based upon the rank of the member and the number of hours worked. For the lower ranks, the pay can amount to less than \$50 per day.

This bill does not replace the rank-based pay system, but instead provides that for each day a member of the National Guard is on State active duty, the member will be paid a minimum of \$100 of base pay. The change would not apply to members of the National Guard who are on permanent duty, such as generals and certain other high-ranking officers. The change also would not apply to members of the National Guard called to federal active duty. The \$100 of base pay minimum daily rate would be adjusted annually for inflation, as measured by the consumer price index.

COMMITTEE AMENDMENTS

The committee amended the bill to increase the daily amount of State active duty pay for members of the National Guard to \$100 of base pay. Base pay is the daily amount of National Guard pay, not including housing and subsistence allowances.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 730

STATE OF NEW JERSEY

DATED: JUNE 12, 2003

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 730 (1R).

Under current law, a member of the New Jersey National Guard who is called to State active duty is paid according to a formula in federal law based upon the rank of the member and the number of hours worked. For the lower ranks, the pay can amount to less than \$50 per day.

This bill does not replace the rank-based pay system, but instead provides that for each day a member of the National Guard is on State active duty, the member will be paid a minimum of \$100 of base pay. The change would not apply to members of the National Guard who are on permanent duty, such as generals and certain other high-ranking officers. The change also would not apply to members of the National Guard called to federal active duty. The \$100 of base pay minimum daily rate would be adjusted annually for inflation, as measured by the consumer price index.

FISCAL IMPACT

The Department of Military and Veterans Affairs indicates that, for National Guard members currently deployed under State active duty, the increase in compensation expected to result from implementation of this legislation is about \$1,050 per day, or approximately \$380,000 per year.

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Press Releases

PO BOX 004
TRENTON, NJ 08625

Contact: Micah Rasmussen
609-777-2600

RELEASE: August 01, 2003

[Previous Screen](#)

Governor Signs New Laws Enhancing Benefits for Active National Guard Members

New legislation increases pay and health benefits

(WOODSTOWN ARMORY)--Governor James E. McGreevey, today signed two measures that will enhance pay and health benefits for active members of the New Jersey National Guard.

“I believe all of us have a moral obligation to do everything in our power to support these dedicated men and women for the sacrifices they are making. We cannot ignore the everyday basic necessities of our guardsmen,” said McGreevey. “They, like you and me, have bills to pay and have family members to take care of. If these brave men and women are willing to put their lives at risk for our well-being, then it is our duty to provide them and their families with health coverage.”

The Governor signed Assembly Bill A-3565, which establishes a minimum per diem base pay of \$100 for members of National Guard called to State active duty, an increase from the previous per diem pay of \$50. The Governor also signed Assembly Bill A-3567, which will provide State-paid health care benefits coverage through the State Health Benefits Program (SHBP) for National Guard members and their dependants when called to State active duty for 30 days or more. The cost of coverage would be paid in full by the State. Currently, the annual cost of family coverage under SHBP is about \$7,000 to \$8,000 per family.

Approximately 9,000 Army and Air National Guard men and women work in New Jersey’s seven military facilities. In addition to protecting vital infrastructure sites, the National Guard are called to active duty in case of insurrection, invasion, tumult, riot, breach of the peace, natural disaster or imminent danger to public safety.

“These men and women willingly defend our freedom and sacrifice time away from their families and their jobs,” said sponsor Senator Stephen Sweeney, who joined the Governor at the bill signing. “Providing health care to them and their families is one way to demonstrate our gratitude for their bravery and courage.”

“This bill should bring comfort to our National Guardsmen and women, in knowing that their families health needs will be protected while they are away protecting all of us,” said Assemblyman John Burzichelli, who was also present at the bill signing.

“This to me is common sense,” said Assemblyman Douglas H. Fisher, who also joined the Governor at the bill signing. “We should give something back to those who protect our coasts and serve when we need them most, and their families should not be slighted the health care they deserve.”

The extended health benefits would be available only if the member:

1. Is not a compensated, full-time appointed or elected public officer or employee of the State or any political subdivision thereof when called to active duty;
2. Had employer-provided health care benefits coverage that was canceled due to the member's military service or does not have employer-provided health care benefits coverage;
3. Is not covered for health care benefits under a program, plan or policy as a dependent of the member's spouse when called to active duty.

“We cannot ask the brave men and women of the National Guard to risk their lives for the safety of the people of New Jersey and then compensate them on a rate comparable to minimum wage,” said sponsor Senator Girgenti, D-Bergen and Passaic. “The current pay scale used for many National Guard members does not properly reflect the gratitude all New Jerseyans have for the services they provide in ensuring the State's security.”

“In times of national uncertainty, the National Guard has always stood strong and protected the people of New Jersey,” said sponsor Senator Coniglio, D-Bergen. “Considering their courage in trying times throughout our history, and especially given their pivotal role in ensuring the security of the State after the September 11th terrorist attacks, I'm proud to be a sponsor of these two bills on behalf of all the grateful residents of New Jersey.”

“By increasing the pay for active duty National Guard members, we acknowledge their great sacrifices during this tense time in our nation's history,” said Assembly Speaker Albio Sires (D-Hudson). “We must adequately compensate guards men and women, who are forced to leave their normal lives behind for months at a time.”

“New Jersey National Guard personnel perform vital functions in homeland security as well as in support of Operation Iraqi Freedom,” said Assembly Assistant Majority Leader John S. Wisniewski. “Increasing their per diem is an investment well made. We have an obligation to those who protect us.”

“Our National Guard members can spend many months on active duty, leaving their families and jobs behind,” said Assembly Deputy Majority Leader Neil M. Cohen (D-Union). “We can't allow them to return to civilian life in debt because of the service to their country.”

In addition to the readiness and preparedness efforts of the New Jersey National Guard on Homeland Security, the State has stepped up security at our tunnels and bridges. The State has also inspected vehicles on major highways and thoroughfares, and created HAZMAT teams statewide to respond to attacks. The Governor increased security at regional airports, implemented a real-time internet monitoring system, and put in place a two-lock system for small aircrafts to prevent illegal operation. The Governor has also implemented terrorism training for transit employees in an effort to improve security for 400,000 commuters and provided law enforcement officials with counter-terrorism training.

Photos and audio and video clips from Governor McGreevey's press conferences are available on the Governor's web page at <http://www.state.nj.us/governor/>. Links are located in the Governor's Newsroom section of the page.



State of New Jersey Governor's Office

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