

CHAPTER 387  
FORMERLY  
HOUSE BILL NO. 407  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO THE DELAWARE NATIONAL GUARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 20, Subchapter II of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

~~§ 126 Service Officers; appointment and duties.~~

~~The Adjutant General shall designate 2 individuals of the clerical force of the Department of Military Affairs as Service Officer and Assistant Service Officer, who shall assist any active or former member of the Delaware National Guard or any resident of this State who has served in the armed forces of the United States or their husbands, wives, children or dependents in adjusting their claims with the government arising from such service.~~

Section 2. Amend Title 20, § 171 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) When the Governor has determined that it is in the best interest of the State, the Governor by order may:

(1) Call out any unit or units, member or members of the Delaware National Guard to serve in a state duty status to respond to any emergency situation.

(2) Call out any member or members of the Delaware National Guard to serve on state duty status to plan for any impending emergency.

(3) Call out any unit or units, member or members of the Delaware National Guard to serve on state duty for an emergency or impending emergency to fulfill obligations under any interstate emergency agreements or compacts; and such troops may be employed within or outside of Delaware as required by the agreement or compact.

(4) Call out units or members of the Delaware National Guard for training or ~~review~~ other non-emergency function as deemed appropriate subject to funding availability.

(5) Call out any member sentenced to incarceration by a general or special court-martial to state active duty with no pay for the duration of the confinement pursuant to §155 of this title.

(b) The Governor shall serve as commander-in-chief of the Delaware National Guard when it is not in federal service.

Section 3. Amend Title 20, Subchapter VI of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 181 Service pay and expenses during emergency service.

(a) For every day of service while on State duty on account of an emergency or impending emergency, as listed in § 171 of this title, each enlisted member, officer or warrant officer of the Delaware National Guard shall receive a sum equal to twice the per ~~diem diem~~ pay and allowances that military personnel of like grade and length of service in the United States ~~Army~~ military would be entitled to receive for a similar period of service. ~~Each officer or warrant officer of the Delaware National Guard shall receive a sum equal to twice the per diem pay and allowances that military personnel of like grade and length of service in the United States Army would be entitled to receive for a similar period of service.~~ For state duty outside of emergency or impending emergency responses, including training or other non-emergency response authorized by the Adjutant General, members of the Delaware National Guard shall receive a sum equal to the per diem, pay, and allowances that military personnel of like grade and length of service in the United States military receive for a similar period of service.

(b) Service pay for such emergencies and non-emergencies and any expenses incidental to mobilization shall be paid by the State Treasurer from any moneys not otherwise appropriated, upon warrants therefor signed by the Adjutant General and countersigned by the Governor.

~~§ 183 Uniform and equipment allowances for officers.~~

~~Any individual who is commissioned or appointed an officer or warrant officer in the Delaware National Guard shall receive at the conclusion of the first year of service as such officer or warrant officer, provided that the member has performed 85 percent of duty during such year, the sum of \$100 to assist in defraying the cost of uniform and equipment and thereafter shall receive annually such sum as may be appropriated by the General Assembly for such purposes.~~

§ 185 Exemption from state merit system.

Personnel employed by the State to support the operations and maintenance of the National Guard shall be exempt from the state merit system and shall be paid in accordance with like positions of the military technician programs of the Department of Defense. Such employees shall be governed in a like manner in accordance with the rules and regulations which pertain to the federal military technician program except for: retirement benefits, health benefits, severance packages, and unused sick leave; all of which shall be administered in the same manner as State merit system employees.

~~§ 186 Compensation for unused sick leave.~~

~~Any National Guard technician who, under the National Guard Technician Act of 1968 [32 U.S.C. § 709], elected to retain their State retirement benefits and who retired after January 1, 1969, shall be compensated for their accumulated unused sick leave in the same manner as State merit system employees~~

§ 188 State-sponsored life insurance.

All members of the Delaware National Guard will be entitled to receive an annual briefing on the State-sponsored life insurance benefit program.

Section 4. Amend Title 20, §702(a) of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The State Headquarters, on behalf of the Adjutant General, may present, in the name of the State, the Delaware National Guard Medal to any person serving in the National Guard of the State who has been called to federal mobilization by the President or voluntarily served for a continuous period of 30 or more days in an area designated as a combat zone by the Department of Defense.

Section 5. Amend Title 20, §707(b) of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b)(1) All members, who shall have served actively 25 years or more in the Delaware National Guard and received an honorable discharge, may upon their own written request at or after retirement be placed upon the retired list at the next higher grade, not to exceed the maximum allowable grade in the appropriate officer or enlisted category.

(2) The Adjutant General shall appoint a selection panel and shall promulgate regulations to manage qualifications and selection for those who make a request after discharge under paragraph (b)(1) of this section.

Approved August 10, 2016