SPONSOR: Rep. Jaques & Sen. Ennis
Reps. Brady, Briggs King, Hudson, Wilson; Sens. Henry, Hocker, Poore, Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 391
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 Subchapter VI, Chapter 1, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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, pay and allowances that military personnel of like grade and length of service in the United States military 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 nonemergency 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, with the exception of Radiological Emergency Preparedness (REP) events. For REP events, members of the Delaware National Guard shall receive a sum equal to allowances and twice the base pay.

§ 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~~ as Department of Defense Employees. Such employees shall be governed in a like manner in accordance with the rules and regulations which pertain to ~~the federal military technician program~~ Department of Defense Employees 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. For all state positions in the National Guard, the Adjutant General or designee will determine whether the position will be classified to be governed in a like

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manner to either a Department of Defense employee position established under Title 5 United States Code or a Department of Defense position established under Title 32 United State Code