

## CHAPTER 141

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

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

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

Pay, allowances; \$100 daily minimum for State active duty.

38A:4-3. a. An officer or enlisted member ordered to State active duty shall receive the pay and allowances prescribed by Federal laws and regulations for an officer or enlisted member of corresponding grade and length of service when on Federal active duty, provided that an officer or enlisted member of the Army National Guard or Air National Guard shall be paid a minimum of \$100 of base pay for each day the officer or member is on State active duty.

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

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

Approved August 1, 2003.