
NORTH DAKOTA NATIONAL GUARD

CHAPTER 158.

[H. B. No. 311—Wright.]

ADJUTANT GENERAL.

An Act to Amend and Re-enact Section 2360 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Adjutant General.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2360 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 2360. THE ADJUTANT GENERAL.] The adjutant general shall be in control of the military department of the state. He will perform such duties as pertain to the adjutant general and the other chiefs of staff departments, under the regulations and customs of the United States army. He will superintend the preparation of all returns and reports required by the United States from the state and will perform all the duties prescribed for him in this military code. He shall receive the sum of nine hundred dollars per annum for the purpose of defraying his personal expenses in the discharge of his duties pertaining to his office and for other necessary expenses, to be paid quarterly without the filing of any itemized statement.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a report on or before the thirty-first day of December in each year to the Governor, including a detailed statement of all the expenditures for military purposes during that year.

2. He shall, at the expense of the state, when necessary, cause the military law, the general regulations of the state, and articles of war of the United States to be printed, indexed and bound in proper and compact form and distributed to the commissioned officers of this state at the rate of one copy to each, and to each commissioned officer and headquarters he shall issue one copy of the necessary text books and of such annual reports concerning the militia as the governor may direct.

3. He shall cause to be prepared and issued all necessary blank books, blanks, forms and notices required to carry into full effect the provisions of this chapter. All such books and blanks shall be and remain the property of the state.

4. The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor.

5. The adjutant general may have the necessary clerks and employes and as many laborers as may be required from time to time.

6. In order that the national guard of the state may receive the benefit of the funds provided by congress, it shall be the duty of the adjutant general of the state to submit a plan of proposed field or camp service of instruction prepared by the commanding officer of the national guard for the ensuing year, with an estimate of funds required for payment, subsistence and transportation of the portion of the national guard participating therein, said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war.

7. He shall make such regulations relating to the preparation of reports and returns and to the care and preservation of property for military purposes, whether belonging to the state or the United States, as in his opinion the conditions demand, such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instructions.

8. The adjutant general shall, in addition to other duties, organize and conduct a bureau of pensions, for the purpose of assisting ex-soldiers or sailors, residents of the state, who may apply for pensions on account of wounds or disability incurred in the service of the United States in establishing their claims, without fee or commissions.

9. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state, shall under the direction of the governor, be disposed of by the adjutant general at public auction after suitable advertisement of the sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall from time to time, render to the governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the governor may direct. He shall be responsible for all the arms, ordnance, accoutrements, equipments and other military property which may be issued to the state by the secretary of war in compliance with law; and it shall thereafter be his duty to prepare returns of said arms and other property of the United States at the times and in the manner requested by the secretary of war. He shall, upon the order of the governor, turn into the ordnance department of the United States army the rifles, carbines, bayonet scabbards, gun slings, belts and such other necessary accoutrements and equipments, the property of the United States, and now in the possession of the state, which may be replaced from time to time by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under

instructions from the secretary of war, to the designated arsenal or depot at the expense of the United States, and when the national guard of the state shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accoutrement of the United States army, he shall cause all the remaining arms, equipment, etc., the property of the United States and in possession of the state, to be transferred and shipped as above directed.

10. He shall issue and cause to be issued all military property and make purchase for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except to such portions of the reserve militia as may be called out by the governor. Purchases of property not exceeding one hundred dollars in value shall be made in such manner as the adjutant general shall direct. If such purchase requires an expenditure exceeding one hundred dollars and not exceeding five hundred dollars, he shall procure written proposals to furnish such property from at least two parties, and shall purchase such property from the lowest responsible bidder. If such purchase shall require the expenditure of a sum exceeding five hundred dollars, he shall publicly advertise, for not less than ten days, for sealed proposals for the furnishing of such property. Such proposals shall be publicly opened by the adjutant general at the place, day and hour designated in such advertisement. The adjutant general shall, if the governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant general. The adjutant general is authorized and directed whenever, in his opinion it shall be to the interest of the state to require a party who shall agree or contract to furnish such property to give bond to the people of this state, in such sum and with such surety as he shall direct conditioned for the faithful performance of such agreement or contract. In case default be made, such bond shall be prosecuted by the attorney general and all moneys recovered shall be applied by the adjutant general to the benefit of the national guard. All property purchased under the authority hereby granted shall be inspected by an inspector or an officer detailed for that purpose by the commanding officer of the national guard and no payment shall be made therefore until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger, or other exigency, the governor may, upon the certificate of the commanding officer of the national guard, temporarily suspend the operation of this paragraph and direct the adjutant general to purchase such military property as may be required in open market. He shall report such action, with the reason therefor, and a statement of the property purchased and the prices paid therefor, to the legislature at its next session.

11. He shall render annually to the governor a statement in detail showing the acquisition and disposition of all clothing, ordnance, arms, ammunition and other military property on hand or issued.

12. He shall keep in his office a list of the retired officers of the organized militia, showing their age, military experience and training. He shall annually request the commandant of cadets of the agricultural college and state university to furnish him with the names of two graduates qualified to act as officers, and shall request from any other state educational institution that maintains an efficient military department, the name of one graduate similarly qualified. The names of the persons so reported to him, together with any others designated by the war department of the United States, shall be added to the list of persons eligible for appointment as officers. In case of a call upon the governor of North Dakota by the president of the United States for volunteers, all regiments organized, in addition to the then organized militia of North Dakota, shall be officered above the rank of second lieutenant by officers selected and commissioned by the governor by and with the advice of the adjutant general, from the persons whose names are listed in the adjutant general's office under this section, or from the officers and non-commissioned officers of the organized militia; provided, that no person shall be commissioned colonel of a volunteer regiment who has not served at least two years as a field officer in either the organized militia or volunteers or as a captain or field officer in the regular army of the United States, and that no person shall be commissioned major in a volunteer regiment who has not served at least two years as either captain or first lieutenant in either the organized militia, volunteers, or regular army of the United States.

13. The adjutant general shall in addition to the foregoing duties on July 1st of each year furnish the governor and each field officer and commander of each company or other separate unit of the North Dakota National Guard or organized militia an itemized statement showing the receipts and expenditures of his office for the year next preceding said date. Such statement shall also show the total cost of maintaining each company or other separate unit for such period.

Approved March 17, 1917.

CHAPTER 159.

[S. B. No. 325—Allen.]

NATIONAL GUARD—FIXING TERMS OF COMMISSIONED OFFICERS
AND TERMS OF ENLISTED MEN.

An Act Providing for the Organization of the National Guard of North Dakota and Fixing the Terms of Commissioned Officers and Terms of Enlisted Men of the National Guard and Repealing Acts in Conflict Therewith.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ORGANIZATIONS.] The National Guard of the State of North Dakota shall consist of such regiments, corps or other units as the Governor of the State may from time to time authorize to be formed. All such organizations to be organized in accordance with the laws governing the regular army and the regulations issued by the Secretary of War.

§ 2. COMMISSIONED OFFICERS.] All officers now holding commissions, except the Adjutant General, and all staff officers of the pay, inspection, subsistence and medical departments hereinafter appointed shall have had previous military experience, and shall hold their positions until they have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court martial legally convened for that purpose and pursuant to the judgment of said court martial and that all vacancies among said officers shall be filled by appointment from the officers of the militia of this state.

§ 3. ENLISTED MEN.] The terms of all enlisted men of the National Guard of this State shall be as now fixed by law; provided, however, that the Governor may by regulation, require that the enlistments shall be for such number of years not to exceed six years, as may be necessary to conform with the regulations of the war department. The first three years of such enlistment under regulations being enlistment in active organizations and the last three years in the National Guard reserve. All enlisted men shall have the privilege of continuing in active service during their whole enlistment, and of re-enlisting. The qualifications for enlistment shall be the same as those prescribed by law or regulations by the regular army.

§ 4. REPEAL.] All Acts, or parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 5. EMERGENCY.] Whereas this act is hereby declared necessary for the immediate preservation of the public peace, health and safety, therefore it shall take effect and be in force from and after its passage and approval.

Approved March 17, 1917.