

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2134

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 37-02-06 and
2 section 37-03-01 of the North Dakota Century Code, relating to the appointment of the adjutant
3 general.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 37-02-06 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 a. The adjutant general ~~who~~ is the chief of staff and ~~must hold the rank of~~
8 ~~brigadier general. However, if an officer having a total of twenty years or~~
9 ~~more commissioned service in the armed forces, the adjutant general must~~
10 ~~hold the rank of major general~~ holds a rank consistent with that individual's
11 length of service and federal laws and regulations, but not to exceed the rank
12 of lieutenant general.

13 **SECTION 2. AMENDMENT.** Section 37-03-01 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **37-03-01. Adjutant general - Appointment - Qualifications - Term - Salary - Office**
16 **at Capital - Removal.** ~~The adjutant general must be appointed by the governor, and shall~~
17 appoint the adjutant general. Each candidate for the office must have been a federally
18 recognized commissioned officer of the national guard for a period of at least three years
19 immediately preceding his the appointment. His , must have obtained the rank of lieutenant
20 colonel or higher, and must have completed the educational requirements for appointment as a
21 federally recognized general officer. The term of office is for six years and commences on
22 July 1, 1944 2001, and on every sixth anniversary thereof. Any vacancy in such office may be
23 filled by the governor, but an appointment to The governor shall fill a vacancy may be made
24 only for the an unexpired term. The salary of the adjutant general must be within the

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- 1 appropriation for salaries by the legislative assembly. ~~He shall~~ The adjutant general must have
- 2 ~~his~~ an office at the state capital. The provisions of chapter 37-04 relating to the vacation of
- 3 commissions, retirement, and discharge apply to the adjutant general.