

MILITARY

CHAPTER 262

H. B. No. 725
(Lindberg)

MILITARY COMMENDATIONS AND ADMINISTRATION

AN ACT

To amend and reenact sections 37-01-09, 37-01-10, 37-01-28, 37-03-13, 37-04-08, 37-04-09, 37-06-06, and 37-07-02 of the North Dakota Century Code, relating to service medals, compliance with orders by militia, duties of adjutant general, control and insurance of military property, pay and expense of personnel of national guard, disbursement of funds and receipts, reports, and re-enlistments in the national guard.

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

§ 1. **Amendment.)** Section 37-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-09. Service Medals.) The commander in chief of the national guard of this state may issue an order providing suitable service medals or ribbons or marks of distinction for all officers and enlisted men who have served in the national guard for an aggregate period of five, ten, fifteen, and twenty years, respectively, and for a like service thereafter or for service on active duty with the armed forces of the United States. Such service medals or ribbons may also be awarded to any member of the armed forces of the United States who shall serve in an active duty capacity with the North Dakota national guard for a period of two or more years.

§ 2. **Amendment.)** Section 37-01-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-10. Distinguished Service Medal—Presented by Whom—Qualifications—Regulations Governing.) The governor, in the name of the legislative assembly of this state, may present a military medal, known as the “distinguished service medal”, to any member or former member of the North Dakota national guard who in the discharge of his military duties has distinguished himself by extraordinary heroism or devotion to duty or to a member or former member of the armed forces of the United States or the national guard of another state

who performs outstanding and extraordinary service for the national guard of this state. Such medal shall bear a suitable inscription and ribbon and shall be of suitable military design. The award of a distinguished service medal shall be made by a board of awards consisting of the adjutant general and senior officers of regiments or separate organizations of the national guard of this state. Such board shall be instituted by a general order of the adjutant general's office prescribing rules and regulations for its meetings and method of procedure. Not more than one distinguished service medal shall be awarded to any one person and no medals shall be awarded or presented to any person whose service subsequent to the recommendations for award shall not have been honorable. For each succeeding citation, a person to whom a distinguished service medal shall have been awarded or presented previously shall be entitled to wear, as the adjutant general of the state may direct, a metal device attached to the ribbon of such distinguished service medal. In the event of the death of a person to whom a distinguished service medal has been awarded, the presentation shall be made to the nearest of kin.

§ 3. Amendment.) Section 37-01-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-01-28. Failure of Member of the Militia to Appear—Penalty.) Every member of the militia who is ordered out or ordered on duty, who volunteers, or who is drafted under the provisions of this title, who does not appear at the time and place designated by his commanding officer, the adjutant general, or the mustering officer, who does not produce a sworn certificate of physical disability from a physician in good standing showing his inability to appear, shall be taken as a deserter and dealt with as prescribed in the uniform code of military justice of the United States.

§ 4. Amendment.) Section 37-03-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-03-13. Adjutant General to Control Military Installations—Maintenance Fund—Insurance.) The adjutant general of the state of North Dakota shall have full control of Camp Gilbert C. Grafton, Ramsey County, Fraine Barracks, Burleigh County, national guard air base facilities constituting a portion of Hector Airfield in Cass County, all in North Dakota and such other real property, installations and facilities that may be acquired or leased by this state or the office of the adjutant general for military purposes. All moneys received from the sale of timber, stone, agricultural products or other material

taken from the properties and the proceeds of any leases or sub-leases thereof and other proceeds from the sale of military property shall be paid into the state treasury, and kept as a separate fund and are hereby appropriated for the improvement of the properties for military uses and shall be paid out upon proper vouchers approved by the adjutant general in accordance with the Act of Congress of the United States granting the lands, installations or facilities to the state of North Dakota or as otherwise authorized by law.

The adjutant general after consultation with the insurance commissioner, shall insure with the state fire and tornado fund in accordance with the provisions of chapter 26-24 such buildings, installations, facilities or their contents or portions thereof as he shall in his discretion determine to be in the best interests of the state. The adjutant general shall not insure buildings or property that is subject to replacement by the United States.

§ 5. Amendment.) Section 37-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-04-08. Pay Received by Personnel of the National Guard.) Every commissioned officer of the national guard shall receive from this state, while engaged in any service ordered by the governor, pay and allowances at the rate allowed by law to officers of similar rank and length of service in the United States army. The adjutant general and deputy assistant adjutant general when receiving salary from the state and not on active duty in a federal status shall receive such compensation as may be appropriated by the legislative assembly for that purpose, provided that when the adjutant general receives compensation from the government of the United States as director of selective service, such compensation shall be deducted from the compensation otherwise due him from the state and he shall be paid from state funds only the difference, if any, between the compensation from the United States and the compensation provided in this section.

§ 6. Amendment.) Section 37-04-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-04-09. Pay Allowed Officers of National Guard.) When officers or enlisted men of the national guard are convened by order of the governor at a meeting of instruction other than annual camp, or when they are detailed under orders to perform military duties outside of their own stations, they shall be reimbursed for traveling and incidental expenses at the same rate as provided by law for other state officials. The

adjutant general may, in his discretion, authorize the purchase of meals or rations for officers or enlisted men of the national guard in a duty or travel status in lieu of individual reimbursement for meals.

§ 7. Amendment.) Section 37-06-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-06-06. Funds Appropriated for National Guard—Expending — Statement of Receipts and Disbursements Filed.) No funds appropriated by the legislative assembly for the maintenance of the national guard of this state shall be drawn except upon the requisition of the paymaster general. He shall file with the adjutant general an annual financial report showing all receipts and disbursements.

§ 8. Amendment.) Section 37-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-07-02. Re-Enlistment Periods in National Guard.) Re-enlistments in the national guard subsequent to original enlistments may be made for such period as may be prescribed by the adjutant general in accordance with regulations promulgated by the United States Department of Defense. For the purpose of this section, any enlistment by a person who has previously served six months or more in the armed forces of the United States shall be considered a re-enlistment.

Approved March 18, 1963.