

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2134
(Government and Veterans Affairs Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact subdivision a of subsection 1 of section 37-02-06 and section 37-03-01 of the North Dakota Century Code, relating to the appointment of the adjutant general.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

37-03-01. Adjutant general - Appointment - Qualifications - Term - Salary - Office at capital - Removal. ~~The adjutant general must be appointed by the governor, and shall appoint the adjutant general. Each candidate for the office must have been a federally recognized commissioned officer of the national guard for a period of at least three years immediately preceding his the appointment. His, must have obtained the rank of lieutenant colonel or higher, and must have completed the educational requirements for appointment as a federally recognized general officer. The term of office is for six years and commences on July 1, 1941 2001, and on every sixth anniversary thereof. Any vacancy in such office may be filled by the governor, but an appointment to~~ The governor shall fill a vacancy may be made only for the an unexpired term. The salary of the adjutant general must be within the appropriation for salaries by the legislative assembly. He shall The adjutant general must have his an office at the state capital. The provisions of chapter 37-04 relating to the vacation of commissions, retirement, and discharge apply to the adjutant general.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2134.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 89 Nays 1 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State