

HOUSE BILL NO. 1271

Introduced by

Representatives DeKrey, Brandenburg, Metcalf

1 A BILL for an Act to amend and reenact sections 37-02-06 and 37-03-02 of the North Dakota
2 Century Code, relating to the adjutant general's office.

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

4 **SECTION 1. AMENDMENT.** Section 37-02-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-02-06. Staff of governor.**

7 1. The staff of the governor consists of:

8 ~~1-~~ a. The adjutant general who ~~shall be~~ is the chief of staff and ~~shall~~ must hold the
9 rank of brigadier general, ~~provided that in the event of.~~ However, if an officer
10 having a total of twenty years or more commissioned service in the armed
11 forces ~~he shall,~~ the adjutant general must hold the grade rank of major
12 general.

13 ~~2-~~ b. An assistant adjutant general for ~~the department of the army~~ who ~~shall~~ must
14 hold a rank consistent with ~~his~~ that individual's length of service and federal
15 laws and regulations, but not to exceed the rank of brigadier general.

16 ~~3-~~ c. An assistant adjutant general for ~~the department of the air force~~ who ~~shall~~
17 must hold a rank consistent with ~~his~~ that individual's length of service and
18 federal laws and regulations, but not to exceed the rank of brigadier general.

19 ~~4. Not more than two assistant adjutants general to administer the military records or~~
20 ~~perform other duties as may be assigned to the adjutant general by law or the~~
21 ~~governor.~~

22 ~~5. Repealed by S.L. 1965, ch. 181, § 33.~~

23 d. Other assistant adjutants general authorized by a table of organization
24 prescribed by the laws or regulations of the United States or laws of this state

1 who must hold a rank consistent with length of service and federal laws and
2 regulations, but not to exceed the rank of brigadier general.

- 3 2. The governor shall deputize one of the assistant adjutant generals to serve as
4 deputy adjutant general. The deputy has all the powers and duties of the adjutant
5 general, except in instances where authority has been restricted by the adjutant
6 general, and shall serve as acting adjutant general in case of the absence or
7 inability of the adjutant general.

8 **SECTION 2. AMENDMENT.** Section 37-03-02 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **37-03-02. Assistant adjutants general - Appointment - Qualifications - Duties.** An
11 assistant adjutant general for army, ~~and an assistant adjutant general for air force, and other~~
12 assistant adjutants general authorized by a table of organization prescribed by the laws or
13 regulations of the United States, may be appointed by the governor upon the recommendation
14 of the adjutant general. ~~At the time of his appointment, each~~ Each assistant adjutant general
15 ~~for army or for air force must have had not less than five years' military commissioned service~~
16 ~~in the armed forces of this state or of the United States, must have held a commission in the~~
17 ~~armed forces of this state or of the United States for at least three years, North Dakota national~~
18 ~~guard immediately preceding the appointment and must have attained the rank of captain in the~~
19 ~~national guard of this state lieutenant colonel.~~ Upon his appointment, each assistant adjutant
20 general ~~for army or for air force shall~~ must have ~~such~~ the rank as is consistent with federal laws
21 and regulations. The assistant adjutant general for army and the assistant adjutant general for
22 air force ~~shall respectively~~ have general supervision over the training of the troops and the
23 administration of the affairs of their respective departments. ~~The governor shall deputize an~~
24 ~~assistant adjutant general to serve as deputy adjutant general and such deputy, regardless of~~
25 ~~rank, shall have all of the powers and duties of the adjutant general, except in such instances~~
26 ~~where his authority has been restricted by the adjutant general, and he shall serve as acting~~
27 ~~adjutant general in case of absence of the adjutant general or his inability to act.~~ An assistant
28 adjutant general for the department of military records may be appointed by the governor upon
29 recommendation of the adjutant general from among the active or retired officers of the North
30 Dakota national guard. The assistant adjutant general for military records ~~shall~~ must have ~~such~~
31 the rank as is consistent with his experience and length of service.