

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1271
(Representatives DeKrey, Brandenburg, Metcalf)

AN ACT to amend and reenact sections 37-02-06 and 37-03-02 of the North Dakota Century Code, relating to the adjutant general's office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

37-02-06. Staff of governor.

1. The staff of the governor consists of:
 - 1- a. The adjutant general who ~~shall be~~ is the chief of staff and ~~shall~~ must hold the rank of brigadier general, ~~provided that in the event of~~. However, if an officer having a total of twenty years or more commissioned service in the armed forces ~~he shall~~, the adjutant general must hold the grade rank of major general.
 - 2- b. An assistant adjutant general for ~~the department of the army~~ who ~~shall~~ must hold a rank consistent with ~~his~~ that individual's length of service and federal laws and regulations, but not to exceed the rank of brigadier general.
 - 3- c. An assistant adjutant general for ~~the department of the air force~~ who ~~shall~~ must hold a rank consistent with ~~his~~ that individual's length of service and federal laws and regulations, but not to exceed the rank of brigadier general.
 4. ~~Not more than two assistant adjutants general to administer the military records or perform other duties as may be assigned to the adjutant general by law or the governor.~~
 5. ~~Repealed by S.L. 1965, ch. 181, § 33.~~
 - d. Other assistant adjutants general authorized by a table of organization prescribed by the laws or regulations of the United States or laws of this state who must hold a rank consistent with length of service and federal laws and regulations, but not to exceed the rank of brigadier general.
2. The governor shall deputize one of the assistant adjutant generals to serve as deputy adjutant general. The deputy has all the powers and duties of the adjutant general, except in instances where authority has been restricted by the adjutant general, and shall serve as acting adjutant general in case of the absence or inability of the adjutant general.

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

37-03-02. Assistant adjutants general - Appointment - Qualifications - Duties. An assistant adjutant general for army, ~~and an assistant adjutant general for air force, and other assistant adjutants general authorized by a table of organization prescribed by the laws or regulations of the United States,~~ may be appointed by the governor upon the recommendation of the adjutant general. ~~At the time of his appointment, each~~ Each assistant adjutant general ~~for army or for air force~~ must have had not less than five years' military commissioned service in the ~~armed forces of this state or of the United States, must have held a commission in the armed forces of this state or of the United States for at least three years,~~ North Dakota national guard immediately preceding the appointment and must have attained the rank of ~~captain in the national guard of this state~~ lieutenant colonel. Upon his appointment, each assistant adjutant general ~~for army or for air force shall~~ must have ~~such~~ the rank as

is consistent with federal laws and regulations. The assistant adjutant general for army and the assistant adjutant general for air force ~~shall respectively~~ have general supervision over the training of the troops and the administration of the affairs of their respective departments. ~~The governor shall deputize an assistant adjutant general to serve as deputy adjutant general and such deputy, regardless of rank, shall have all of the powers and duties of the adjutant general, except in such instances where his authority has been restricted by the adjutant general, and he shall serve as acting adjutant general in case of absence of the adjutant general or his inability to act.~~ An assistant adjutant general for the department of military records may be appointed by the governor upon recommendation of the adjutant general from among the active or retired officers of the North Dakota national guard. The assistant adjutant general for military records ~~shall~~ must have ~~such~~ the rank as is consistent with ~~his~~ experience and length of service.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1271.

House Vote: Yeas 98 Nays 0 Absent 0

Senate Vote: Yeas 40 Nays 0 Absent 9

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State