

CHAPTER 37-07 ENLISTED PERSONNEL

37-07-01. Original enlistments in national guard - Qualifications.

Any person who is a citizen of the United States, or who has declared the person's intention to become a citizen, if within the ages set forth in the National Defense Act of 1920, as amended, able-bodied, free from disease, of good character, and of temperate habits, may be originally enlisted in the national guard of this state under the restrictions contained in this title for a term of not less than three years and as provided by national guard regulations promulgated by the secretary of defense.

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 must be considered a re-enlistment.

37-07-03. Enlisted men to sign contract of enlistment and subscribe to oath.

Individuals enlisting in the national guard of this state shall sign an enlistment contract and subscribe the following oath of enlistment:

I acknowledge to have voluntarily enlisted on _____, _____, as a soldier in the national guard of the United States and of the state of North Dakota, for the period of three years (or one year _____,) under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the state of North Dakota, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the president of the United States and of the governor of the state of North Dakota, and of the officers appointed over me according to law, the rules of war, and the uniform code of military justice.

37-07-04. Transfers of enlisted men.

Enlisted members of the national guard removing from one location to another in this state may be transferred from one unit to another within the same organization upon recommendations of the respective unit commanders concerned and approval of the commanding officer of the organization. Transfers between organizations will be made only upon the approval of the adjutant general.

37-07-05. Pay and allowances of enlisted national guard members - Deductions allowed.

1. Each enlisted member of the national guard, when called into active service by the governor, is entitled to receive pay at the rate provided for enlisted personnel of similar grade, rating, and term of enlistment in the national guard of the United States, except that such daily pay rate for each of the grades hereafter listed must be increased by the percentage set forth after such grade as follows:
 - a. E-3 55%
 - b. E-4 45%
 - c. E-5 35%
 - d. E-6 25%
 - e. E-7 15%
 - f. E-8 10%
2. If ordered by the governor in response to an emergency management assistance compact request and if the requesting state pays state active duty pay at a higher rate than this state, the enlisted member may receive the higher rate of pay if the requesting state reimburses this state for the higher rate of pay. Each enlisted member

is entitled to receive transportation, shelter, and subsistence. The value of articles issued to any member of a company or battery and not returned in good order on demand, and all legal fines or forfeitures, may be deducted from the member's pay. Each enlisted member also is entitled to receive a state active duty pay enhancement of three hundred dollars for every month spent on state active duty or a prorated amount for each day of state active duty up to three hundred dollars per month. Pay at an annual encampment must be such as is allowed by federal law.

37-07-06. Discharge of enlisted person.

An enlisted person discharged from service in the national guard, except when drafted into the military service of the United States, shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the regular army. In time of peace, a discharge may be given prior to the expiration of the term of enlistment under such regulations as the president may prescribe.