

CHAPTER 37-08

NATIONAL GUARD RESERVE

37-08-01. National guard reserve - Organization. The national guard reserve is all individuals who are subject to service in the national guard and are not serving in the national guard of this state. Subject to the rules and regulations of the president, a national guard reserve must be maintained in this state which consists of organizations, officers, and enlisted members as the president may prescribe, and members of the reserve may be assigned as reserves to an active organization of the national guard.

37-08-02. Enlistments in national guard reserve - Contract - Oath. Individuals duly qualified for enlistment in the active national guard may enlist in the national guard reserve for a period of one year or three years under the regulations prescribed by the secretary of defense. Upon enlisting in the reserve, each individual shall subscribe the following enlistment contract and take the oath therein specified:

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, to serve in the reserve thereof, or in the active national guard of the United States and said state if transferred thereto, for a period of one year (or three years), 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 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.

37-08-03. Transfer from active to reserve list and from reserve to active list. Under such regulations as the secretary of defense may prescribe, enlisted members of the active national guard may be transferred to the national guard reserve and members enlisted in or transferred to the national guard reserve may be transferred to the active national guard, except that no enlisted member may be required to serve under any enlistment for a longer time than the period for which that member enlisted in the active national guard or national guard reserve, as the case may be.

37-08-04. Method of drafting reserves for service. Whenever it is necessary to call out any portion of the reserve militia for active duty, the governor shall direct an order to the adjutant general, who, upon receipt of such order, shall cause to be drafted by lot, by mustering officers detailed for that duty from the national guard, as many of the reserve militia, or shall accept as many volunteers, as are required by the governor. The adjutant general forthwith shall forward to the governor a list of persons drafted or accepted as volunteers.

37-08-05. Pay and allowances of reservists on active duty. Officers and enlisted members of the national guard reserve, when engaged in field or coast defense training with the active national guard, shall receive the same federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged. No commissioned or enlisted reservist may receive any pay or allowance out of any appropriation made by the Congress of the United States for national guard purposes except as otherwise specifically provided in this title.