

CHAPTER 02 - THE NATIONAL GUARD

SECTION .0100 - GENERAL PROVISIONS

14B NCAC 02 .0101 LOCATION AND HOURS OF OPERATION

(a) The headquarters for the North Carolina National Guard (NCNG) is the Office of the Adjutant General which is located in the North Carolina Military Center on Reedy Creek Road in Raleigh. A list of state-wide locations of National Guard armories may be obtained from the Secretary of Crime Control and Public Safety or the Adjutant General upon request.

(b) All offices are open to the public for conducting business during normal business hours and during time of emergency as called by the Governor or the President.

*History Note: Authority G.S. 127A-31;
Eff. February 1, 1976;
Amended Eff. September 1, 1980;
Transferred from 14A NCAC 02 .0101 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

14B NCAC 02 .0102 PURPOSES AND POLICIES

(a) The National Guard has a dual role as a state military force, subject to the call of the Governor, and a national reserve force, subject to the call of the President. It is equipped and funded largely by the federal government but is administered by the Adjutant General. It is the responsibility of the state to raise and train the troops according to federal standards.

(b) The National Guard is the only military force under the control of the state for use in exercising its sovereignty. The Army and Air National Guard are integral parts and first-line reserve components of the United States Army and the United States Air Force.

(c) Rules and regulations which delineate the policies and procedures for the North Carolina National Guard are promulgated by the North Carolina General Statutes and by departments of the Army and Air Force through the National Guard Bureau.

*History Note: Authority G.S. 127A-3; 127A-29;
Eff. February 1, 1976;
Transferred from 14A NCAC 02 .0102 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*

14B NCAC 02 .0103 FUNCTIONS

The primary functions of the National Guard are as follows:

- (1) training units capable of immediate mobilization in times of national emergencies;
- (2) providing military support to state and federal civil authorities during times of disaster or other emergencies; e.g., assisting during civil disturbances, hurricanes, tornadoes and flood evacuation and patrolling stricken areas.

*History Note: Authority G.S. 127A-16;
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14B NCAC 02 .0104 ORGANIZATIONAL STRUCTURE

(a) The North Carolina National Guard is composed of the Army National Guard and the Air National Guard. The military head of the division of the National Guard is the Adjutant General who shall hold the rank of major general. The Adjutant General is appointed by the Governor in his capacity as Commander in Chief of the State Militia, in consultation with the Secretary of the Department of Crime Control and Public Safety and serves at the pleasure of the Governor:

- (1) In all administrative and operational matters affecting the militia while under state control, the Adjutant General is responsible to and subject to the direction and supervision of the Secretary of the Department of Crime Control and Public Safety.
 - (2) The Adjutant General insures compliance with such federal laws and regulations and with all state laws and orders of the Governor not inconsistent with those federal laws and regulations.
- (b) The full-time staff of the North Carolina National Guard is a mix of state and federal employees, all of whom are under the direction and control of the Adjutant General.
- (c) The organization of the National Guard, including the composition of all units thereof, is the same as that which is or may hereafter be prescribed for the regular army or air force subject in time of peace to such general exceptions as may be authorized by the United States Secretary of Defense.

History Note: Authority G.S. 127A-19; 127A-29;
Eff. February 1, 1976;
Amended Eff. May 1, 1988; September 1, 1980;
Transferred from 14A NCAC 02 .0104 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

14B NCAC 02 .0105 RENTALS

- (a) Real estate, owned by the State of North Carolina and under the control of the Department of Crime Control and Public Safety, may be made available to Department of Defense agencies or activities, other federal agencies, state and local governmental agencies and private organizations or individuals, in that order, when the installations or facilities are not required for National Guard purposes and when, in the judgment of the department secretary or his representative, the intended use of such real estate is not inimical to the department's interests.
- (b) The responsibility for determining the availability of real estate for temporary (three days maximum) use for other than National Guard activities and for executing a rental agreement is the function of the senior commander of the installation. The Office of the Adjutant General must approve requests for facilities in excess of three days. Rental Agreement for Temporary Use of NCNG Real Estate will be utilized for all transactions involving use of National Guard property. See also .0105(5) of this Subsection.

History Note: Authority G.S. 127A-118; 143B-10(j);
Eff. February 1, 1976;
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Transferred from 14A NCAC 02 .0106 Eff. June 1, 2013;
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14B NCAC 02 .0106 BASIC MEMBERSHIP INFORMATION

Qualification requirements for membership in the North Carolina National Guard and enlistment or appointment procedures may be obtained by contacting any NCNG unit or the Office of the Adjutant General. Department of the Army and Department of the Air Force prescribe membership criteria appropriate to their respective counterparts within the National Guard. Information available will include, but is not limited to, age, education, physical condition, military obligation incurred, training requirements and pay.

History Note: Authority G.S. 127A-32; 127A-37; Title 10, U.S. Code;
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