

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1080

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact section 37-01-04 of the North Dakota Century Code,  
2 relating to the power of the governor to order out the national guard.

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

4 **SECTION 1. AMENDMENT.** Section 37-01-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **37-01-04. ~~Governor may~~ Governor's authority to order out national guard in case**  
7 **~~of insurrection or riot~~ - Reserve militia ordered out.** In case of insurrection, invasion,  
8 tumult, riot, ~~or~~ breach of the peace, or imminent danger thereof, or to provide a deterrent  
9 presence at state ceremonial events, the governor may order into the active service of this  
10 state any part of the national guard that ~~he~~ the governor may deem proper. When the national  
11 guard of this state, or a part thereof, is called forth under the Constitution of the United States  
12 and the laws of the United States, the governor shall order out for service the remaining troops  
13 or such part thereof as may be necessary. If the number of available troops is insufficient, the  
14 governor shall order out such part of the reserve militia as ~~he~~ the governor may deem  
15 necessary.