

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; and to declare an  
3 emergency.

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

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

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

18 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.