

**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 order out national guard for public safety or in case of**  
7 **insurrection or riot - Reserve militia ordered out.** In case of insurrection, invasion, tumult,  
8 riot, ~~or~~ breach of the peace, or ~~imminent danger thereof~~, a concern for the safety of the public,  
9 the governor may order into the active service of this state any part of the national guard that ~~he~~  
10 the governor may deem proper. When the national guard of this state, or a part thereof, is  
11 called forth under the Constitution of the United States and the laws of the United States, the  
12 governor shall order out for service the remaining troops or such part thereof as may be  
13 necessary. If the number of available troops is insufficient, the governor shall order out such  
14 part of the reserve militia as ~~he~~ the governor may deem necessary.