

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1109
(Representatives Cory, Karls, Klemin)
(Senators Meyer, Vedaa)

AN ACT to amend and reenact section 37-01-01 of the North Dakota Century Code, relating to military definitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

37-01-01. Definitions.

In this title, unless the context otherwise requires:

1. "Active militia" means the organized and uniformed military forces of this state known as the "North Dakota national guard" and the reserve militia when called to active service.
2. "Active service" means state active duty in case of public disaster, riot, tumult, breach of the peace, resistance of process, or the threat thereof, whenever called in aid of civil authorities, or under martial law, or at encampments, whether ordered by state or federal authorities, and includes the performance of any other duty requiring the entire time of the organization or person, except when called or drafted into the federal service by the president of the United States. The term includes service in case of, or to prevent, insurrection, riot, or invasion under the order of the commander in chief communicated through proper military channels.
3. "Adjutant general coin" means a coin or medallion bearing the state's adjutant general's organization insignia or emblem.
4. "Armed forces" means army, marine corps, navy, air force, space force, and coast guard.
5. "Disaster response coin" means a coin or medallion bearing a design to commemorate the response during a state disaster or emergency.
6. "Military" means armed forces.
- ~~5-7.~~ "Military forces of this state" means those individuals in the active militia.
- ~~6-8.~~ "Militia" means a group of individuals defined in the Constitution of North Dakota.
- ~~7-9.~~ "National guard" means that part of the military forces of this state which is organized, equipped, and federally recognized under the provisions of the National Defense Act, as amended, of the United States as the "national guard, air national guard, of the United States and the state of North Dakota". The term includes also the term "national guard of the state of North Dakota".
- ~~8-10.~~ "On duty" includes periods of drill and of such other training and service as may be required under state or federal law, regulation, or order.
- ~~9-11.~~ "Reserve militia" consists of all those individuals who are subject to service in the active militia and who are not serving in the national guard of this state.
- ~~10-12.~~ "State active duty" means active service on behalf of the state under authority of the governor at the expense of the state.

- ~~11.13.~~ "State defense force" means the group of individuals in the reserve militia in state active duty under chapter 37-12.1.
14. "Uniformed services" means the armed forces, national oceanic and atmospheric administration commissioned officer corps, and the commissioned corps of the United States public health service.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1109.

House Vote: Yeas 93 Nays 0 Absent 1

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State