

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2115
(Government and Veterans Affairs Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact section 37-01-03 and 37-01-43, and subsection 8 of section 37-26-01 of the North Dakota Century Code, relating to the operation of the North Dakota national guard.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-03 of the North Dakota Century Code is amended and reenacted as follows:

37-01-03. Articles of uniform code of military justice applicable in state - Regulations governing - Punishment for offenses while on duty.

The articles of uniform code of military justice governing the armed forces of the United States as codified in the Manual for Courts-Martial, United States, 2016~~2019~~2019 edition, are a part of this title so far as the ~~same~~articles are applicable and not modified by any provision of this title. ~~A person~~An individual who commits an offense while on military duty ~~status, to include~~including state active duty, may be tried by a court-martial lawfully appointed even after ~~such~~the duty has terminated, and if found guilty, the accused must be punished according to the articles of uniform code of military justice and the rules and regulations governing the armed forces of the United States ~~and,~~ within the limits prescribed in this title and by federal law for the courts-martial in the national guard. In any case in which the ~~person~~individual alleged to have committed the offense could be charged either under the code of military justice or the civil law of this state, the officer whose duty it is to approve ~~such~~the charge, in the officer's discretion, may order the person charged or subject to being charged to be turned over to the civil authorities for trial. Commanders may administer nonjudicial punishment for offenses while on military duty ~~status, to include~~including state active duty, in accordance with part V, Manual for Courts-Martial, except ~~that~~ the service member may not demand a trial by courts-martial. ~~Whenever~~When reference is made to the articles of uniform code of military justice, to the military service, or to the armed forces of the United States, ~~such~~the reference shall ~~shall~~must be deemed to include the military service of this state. ~~The intent of this title and of all laws~~Laws of this state affecting the military forces ~~is~~must be construed to conform to all acts and regulations of the United States affecting the same subjects, ~~and all laws of this state shall be construed to effect this purpose.~~

SECTION 2. AMENDMENT. Section 37-01-43 of the North Dakota Century Code is amended and reenacted as follows:

37-01-43. North Dakota military civil relief act.

~~A person~~An individual called or ordered to active service for thirty consecutive days or longer has all of the protections afforded to persons in the military service of the United States under the Servicemembers Civil Relief Act [50 U.S.C. 3901-4043] in effect on December 31, 2018~~2020~~2020.

SECTION 3. AMENDMENT. Subsection 8 of section 37-26-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Veteran" means a member of the national guard or reserve component who was activated under 10 U.S.C. 12301, in effect on December 31, 2004~~2004~~2004, or 10 U.S.C. 12302, in effect on ~~October 28, 2004~~December 31, 2011, and who completed honorable and faithful service of more than thirty days on active duty in the armed forces of the United States at any time during the period of service, who was a resident of the state of North Dakota, and who has not received bonus or adjusted compensation from another state for the period of service.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2115.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 92 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State