

TESTIMONY OF
MR. CHRISTOPHER MARTENS
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
7 JANUARY 2021
SENATE BILL 2115

Good morning Mr. Chairman and members of the committee. My name is Chris Martens. I am an Attorney for the Office of the Adjutant General. I am here today to testify in support of SENATE Bill 2115. This bill contains a number of updates to Title 37 with regards to our operations.

In State v. Julson the North Dakota Supreme Court held that while the State can incorporate federal law by reference, it can only adopt federal law in existence at the time of the enactment of the state law. Therefore, when there is a change to a referenced federal law, we must come back to update the State's law to reflect the most current federal law.

Section 1 of the bill updates N.D.C.C. 37-01-03 to incorporate the most current version of the Manual for Courts-Martial. The most recent version of Manual is from 2019. In addition, we provided clarification to military duty by adding the word status. This ensures a commander can address offenses that occur outside of duty hours, but while the member is in a military status. It makes it clear that the commander has jurisdiction over the member, not only while on duty, but also the entire time the member is in a status.

Section 2 of the bill incorporates the updates to federal Servicemember Civil Relief Act. This change will bring the section up to date with current federal law.

Finally, Section 3 of the bill amends N.D.C.C. 37-26-01 which defines Veteran. Within this definition United States Code is cited, referencing federal mobilization orders. The references to the appropriate federal law were inverted, and this change is only to correct that discrepancy. We are not requesting to change the definition, but only to update the federal section of law referenced.

I ask for your support of SB 2115 and will stand by for any questions that you may have.