

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

SENATE BILL NO. 2095
(Agriculture and Veterans Affairs Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact sections 37-01-03, 37-01-43, and 37-07.3-03 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 [10 U.S.C. 801-950] in effect on December 31, 2022, governing the armed forces of the United States ~~as codified in~~ and the Manual for Courts-Martial, United States, 2019 edition, are a part of this title so far as the articles are applicable and not modified by any provision of this title. An individual who commits an offense while on military duty status, including state active duty, may be tried by a court-martial lawfully appointed even after 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, 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 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 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, including state active duty, in accordance with part V, Manual for Courts-Martial, except the service member may not demand a trial by courts-martial. 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, the reference must be deemed to include the military service of this state. Laws of this state affecting the military forces must be construed to conform to all acts and regulations of the United States affecting the same subjects.

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.

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, ~~2020~~2022.

SECTION 3. AMENDMENT. Section 37-07.3-03 of the North Dakota Century Code is amended and reenacted as follows:

37-07.3-03. Trust fund use.

The principal, interest, and income from the national guard training area and facility development trust fund must be used by the adjutant general solely for training area acquisition and facility development; provided the principal, and any interest and income which the fund accrues from July 1, 2019, through June 30, ~~2023~~2029, must be used solely for the acquisition or lease of land for national guard training purposes at Camp Gilbert C. Grafton training center and the expenditure, in conjunction with federal matching funds, for the construction of new national guard armories.

Paul Schaeff
President of the Senate

Dennis Lehman
Speaker of the House

David Morgan
Secretary of the Senate

Bruce J. Reek
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2095.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 87 Nays 0 Absent 7

David Morgan
Secretary of the Senate

Received by the Governor at 9:54 A.M. on March 14, 2023.

Approved at 8:39 P.M. on March 14, 2023.

Doug Burgum
Governor

Filed in this office this 15th day of March, 2023,
at 2:58 o'clock P. M.

Michael Howe
Secretary of State