

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1109

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact sections 37-01-03, 37-01-43, subsection 6 of 37-28-02,
2 and 37-28-03 of the North Dakota Century Code, relating to the operation of the North Dakota
3 national guard.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **37-01-03. Articles of uniform code of military justice applicable in state - Regulations**
8 **governing - Punishment for offenses while on duty.**

9 The articles of uniform code of military justice governing the armed forces of the United
10 States as codified in the Manual for Courts-Martial, United States, 2012~~2015~~2016 edition, are a
11 part of this title so far as the same are applicable and not modified by any provision of this title.
12 A person who commits an offense while on military duty, to include state active duty, may be
13 tried by a court-martial lawfully appointed even after such duty has terminated, and if found
14 guilty, the accused must be punished according to the articles of uniform code of military justice
15 and the rules and regulations governing the armed forces of the United States and within the
16 limits prescribed in this title and by federal law for the courts-martial in the national guard. In any
17 case in which the person alleged to have committed the offense could be charged either under
18 the code of military justice or the civil law of this state, the officer whose duty it is to approve
19 such charge, in the officer's discretion, may order the person charged or subject to being
20 charged to be turned over to the civil authorities for trial. Commanders may administer
21 nonjudicial punishment for offenses while on military duty, to include state active duty, in
22 accordance with part V, Manual for Courts-Martial, except that the servicemember may not
23 demand a trial by courts-martial. Whenever reference is made to the articles of uniform code of
24 military justice, to the military service, or to the armed forces of the United States, such

reference shall be deemed to include the military service of this state. The intent of this title and of all laws of this state affecting the military forces is 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 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 App. U.S.C. sections 501-596~~50 U.S.C. sections 3901-4043] in effect on December 31, ~~2014~~2016.

SECTION 3. AMENDMENT. Subsection 6 of section 37-28-02 of the North Dakota Century Code is amended and reenacted as follows:

6. "Period of service" means the period of time beginning December 5, 1992, and ending June 30, ~~2017~~2019.

SECTION 4. AMENDMENT. Section 37-28-03 of the North Dakota Century Code is amended and reenacted as follows:

37-28-03. Payment of adjusted compensation for domestic and foreign service.

Each national guard or reserve component resident veteran mobilized stateside is entitled to fifty dollars for each month or major fraction thereof for domestic service. Each national guard, reserve, or active component resident veteran of foreign service who received the expeditionary medal or campaign badge is entitled to one hundred dollars for each month or major fraction thereof. If the veteran received a purple heart for foreign service, the veteran is entitled to a payment of two thousand five hundred dollars in lieu of monthly payments for adjusted compensation related to the mobilization during which the purple heart was earned. If the veteran is deceased, the veteran's beneficiary is entitled to any payments under this chapter to which the veteran would have been entitled. Applications for adjusted compensation may be filed with the adjutant general through June 30, ~~2017~~2019, or in the case of a soldier mobilized on June 30, ~~2017~~2019, not later than six months after the end of the mobilization period of service.