

TESTIMONY OF
MR. CHRISTOPHER MARTENS
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
10 JANUARY 2025
HOUSE BILL 1074

Good morning Chairman Schauer 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 House Bill 1074. This bill contains updates to Title 37 regarding 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 Uniform Code of Military Justice, which is included within the Manual for Courts-Martial. The Manual for Courts-Martial was published in 2024. This amendment is necessary to update state law to reflect changes to the Uniform Code of Military Justice passed into federal law since 2019.

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 which was most recently updated in December of 2023.

I ask for your support of HB 1074 and I will stand for any questions that you may have.