

Introduced by

Agriculture 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, and 37-07.3-03 of the  
2 North Dakota Century Code, relating to the operation of the North Dakota national guard.

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

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

6 **37-01-03. Articles of uniform code of military justice applicable in state - Regulations**  
7 **governing - Punishment for offenses while on duty.**

8 The articles of uniform code of military justice [10 U.S.C. 801-950] in effect on  
9 December 31, 2022, governing the armed forces of the United States ~~as codified in~~ and the  
10 Manual for Courts-Martial, United States, 2019 edition, are a part of this title so far as the  
11 articles are applicable and not modified by any provision of this title. An individual who commits  
12 an offense while on military duty status, including state active duty, may be tried by a court-  
13 martial lawfully appointed even after the duty has terminated, and if found guilty, the accused  
14 must be punished according to the articles of uniform code of military justice and the rules and  
15 regulations governing the armed forces of the United States, within the limits prescribed in this  
16 title and by federal law for the courts-martial in the national guard. In any case in which the  
17 individual alleged to have committed the offense could be charged either under the code of  
18 military justice or the civil law of this state, the officer whose duty it is to approve the charge, in  
19 the officer's discretion, may order the person charged or subject to being charged to be turned  
20 over to the civil authorities for trial. Commanders may administer nonjudicial punishment for  
21 offenses while on military duty status, including state active duty, in accordance with part V,  
22 Manual for Courts-Martial, except the service member may not demand a trial by courts-martial.  
23 When reference is made to the articles of uniform code of military justice, to the military service,  
24 or to the armed forces of the United States, the reference must be deemed to include the

1 military service of this state. Laws of this state affecting the military forces must be construed to  
2 conform to all acts and regulations of the United States affecting the same subjects.

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

5 **37-01-43. North Dakota military civil relief act.**

6 An individual called or ordered to active service for thirty consecutive days or longer has all  
7 of the protections afforded to persons in the military service of the United States under the  
8 Servicemembers Civil Relief Act [50 U.S.C. 3901-4043] in effect on December 31, ~~2020~~2022.

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

11 **37-07.3-03. Trust fund use.**

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