

TESTIMONY OF
MR. CHRISTOPHER MARTENS
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE AGRICULTURE AND VETERANS AFFAIRS COMMITTEE
05 JANUARY 2023
SB BILL 2095

Good morning Mr. Chairman and members of the committee, I am Chris Martens, an Attorney for the Office of the Adjutant General. I am here today to testify in support of Senate Bill 2095. This bill contains 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 Uniform Code of Military Justice, which is included within the Manual for Courts-Martial. The most recent version of Manual for Courts-Martial is from 2019. 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.

Finally, Section 3 of the bill amends N.D.C.C. 37-07.3-03 relating to the National Guard training area and facility development trust fund. This amendment allows us to continue leveraging this authority as we move forward with our range expansion at Camp Grafton.

I ask for your support of SB 2095 and will stand for any questions that you may have.