

2011 SENATE JUDICIARY


SB 2090

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2090
1/12/11
No Recording

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to operation of the ND National Guard

Minutes:

There is written testimony attached

Senator Nething – Chairman

Captain Michelle Hagel – Legal advisor to the Office of the Adjutant General
See written testimony

Closed the hearing on SB2090

Senator Lyson motions for a do pass
Senator Olafson seconds

Roll call vote
6 yes
0 no

Senator Nething will carry

Date: 1/12/11
 Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2090

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Lyson Seconded By Senator Olafson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Nething

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2090: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2090 was placed on the
Eleventh order on the calendar.

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2090

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2090
March 3, 2011
14886

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to operation of the North Dakota National Guard

Minutes:

Chairman Bette Grande opened the hearing on SB 2090.

Captain Michelle Hagel, Legal Advisor to the Office of the Adjutant General, appeared in support of SB 2090. **Attachment 1.**

Rep. Vicky Steiner: Is this housekeeping done routinely? Is there some way to put it so that we don't have to revisit this or is that something that is done? I am a freshman legislator so is this something that the guard comes back and revisits?

Captain Michelle Hagel: I am also fairly new. This is the first time in awhile that we have asked for these housekeeping changes because these changes actually have been a little bit overdue. Since we can't cite to federal law and incorporate changes that they haven't made yet, we are going to have to keep coming back and referencing the ones in effect at this time. Unfortunately, you are going to have to keep seeing me.

There was no one opposed or neutral to this bill.

The hearing was closed.

Rep. Vicky Steiner made a motion for a Do Pass.

Rep. Mark Sanford seconded the motion.

DO PASS, 13 YEAS, 0 NAYS. Rep. Karen Karls is the carrier of this bill.

Date: 3-3-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2090

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Steiner Seconded By Sanford

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg	✓	
Glen Froseth	✓		Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Karls

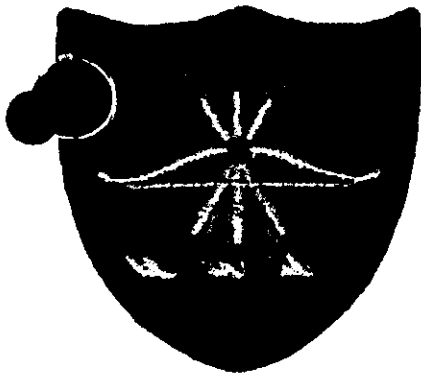
If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2090: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2090 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2090



Army National Guard

"The Straight Arrows"



Air National Guard

"The Happy Hooligans"



*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Captain Michelle Hagel*

before the

*Judiciary Committee
January 12, 2011*

SENATE BILL 2090

TESTIMONY OF
CAPTAIN MICHELLE HAGEL
BEFORE THE
JUDICIARY COMMITTEE
12 JAN 2011
SENATE BILL 2090

Mr. Chairman and Members of the Committee. I am Captain Michelle Hagel, legal advisor to the Office of the Adjutant General.

Federal law is incorporated by reference in several sections of Title 37 of the North Dakota Century Code. This bill provides updates to Title 37 to reference the most current versions of federal law.

The first update is to N.D.C.C. § 37-01-03, which cites to the Manual for Courts Martial (MCM). Current law cites to the 1998 version, while updates to the manual are as recent as 2010. In order to effectively use the MCM, we need the law to reflect the updated version.

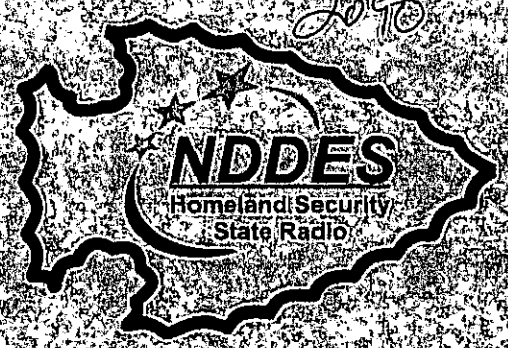
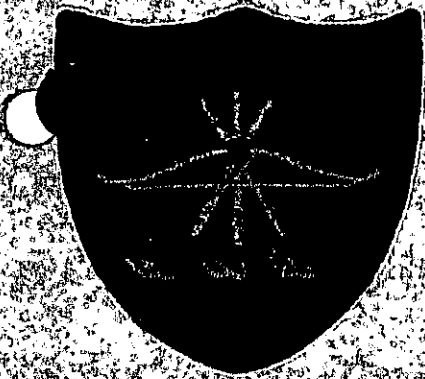
Second, N.D.C.C. § 37-01-22 provides that the Governor may make rules and regulations governing military forces in the state. This section of law states that those laws must conform, as nearly as practicable, to the rules governing the United States Army. This bill would change that language to the "Armed Forces of the United States". This would then include all branches of service. In particular, it would be inclusive of the rules of the Air Force for the governing of the North Dakota Air National Guard.

Third, N.D.C.C. § 37-01-43 is the North Dakota Military Civil Relief Act. This Act offers protections afforded in accordance with the Soldier's and Sailor's Civil Relief Act. The updated federal law is the "Servicemember's Civil Relief Act". The bill would cite to the most current version of the Act.

Finally, N.D.C.C. § 37-28-02 is the chapter on the Military Operations Adjusted Compensation. The bill would expand the definition of veteran to include those activated under 10 U.S.C. 12301 and also cite to the current federal law. The North Dakota Air and Army National Guard commonly use both 10 U.S.C. § 12301 and 12302 to mobilize Soldiers and Airmen. This would ensure that members activated under either section of federal law are covered by the North Dakota Century Code definition of Veteran for Adjusted Compensation purposes.

Mr. Chairman, I will be happy to take any questions that you have.

*Attachment
2090*



Army National Guard

Air National Guard

*Department of
Emergency Services
Homeland Security &
State Radio*

"The Straight Arrows"

"The Happy Hooligans"

*The
Office of the
Adjutant General*

*Testimony of
Captain Michelle Hagel*

before the

*Government and Veteran
Affairs Committee*

March 3, 2011

SENATE BILL 2090

TESTIMONY OF
CAPTAIN MICHELLE HAGEL
BEFORE THE
GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
3 MARCH 2011
SENATE BILL 2090

Madam Chairman and Members of the Committee. I am Captain Michelle Hagel, legal advisor to the Office of the Adjutant General.

Federal law is incorporated by reference in several sections of Title 37 of the North Dakota Century Code. This bill provides updates to Title 37 to reference the most current versions of federal law.

The first update is to N.D.C.C. § 37-01-03, which cites to the Manual for Courts Martial (MCM). Current law cites to the 1998 version, while updates to the manual are as recent as 2010. In order to effectively use the MCM, we need the law to reflect the updated version.

Second, N.D.C.C. § 37-01-22 provides that the Governor may make rules and regulations governing military forces in the state. This section of law states that those laws must conform, as nearly as practicable, to the rules governing the United States Army. This bill would change that language to the "Armed Forces of the United States". This would then include all branches of service. In particular, it would be inclusive of the rules of the Air Force for the governing of the North Dakota Air National Guard.

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Finally, N.D.C.C. § 37-28-02 is the chapter on the Military Operations Adjusted Compensation. The bill would expand the definition of veteran to include those activated under 10 U.S.C. 12301 and also cite to the current federal law. The North Dakota Air and Army National Guard commonly use both 10 U.S.C. § 12301 and 12302 to mobilize Soldiers and Airmen. This would ensure that members activated under either section of federal law are covered by the North Dakota Century Code definition of Veteran for Adjusted Compensation purposes.

Madam Chairman, I will be happy to take any questions that you have.