

HOUSE BILL No. 1373

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-16.

Synopsis: Employment of veterans. Extends employment protections under the federal Uniformed Services Employment and Reemployment Rights Act and extends the rights, benefits, and protections under the Servicemembers Civil Relief Act to members of the national guard of another state during state sponsored activation.

Effective: July 1, 2016.

Borders

January 12, 2016, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1373

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-16-7-23, AS AMENDED BY P.L.156-2015,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 23. (a) As used in this section, "active duty"
4 means:
5 (1) training or duty under federal law; ~~or~~
6 (2) **state active duty under an order of a governor of another**
7 **state as provided by law; or**
8 ~~(2)~~ (3) state active duty under section 7 of this chapter;
9 performed under an order of the governor.
10 (b) The rights, benefits, and protections of the federal
11 Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to
12 a member of:
13 (1) the Indiana national guard; **or**
14 (2) **the national guard of another state;**
15 ordered to active duty for at least thirty (30) consecutive days.
16 (c) With respect to a member or reserve member of:
17 (1) the Indiana national guard; **or**



1 **(2) the national guard of another state;**

2 ordered to state active duty, a person is not subject to remedies and
3 penalties under this section or IC 10-16-20 for failure to comply with
4 the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et
5 seq., unless the member or member's dependent provides
6 documentation to the person that the person is a member or reserve
7 member of the Indiana national guard **or the national guard of**
8 **another state**, ordered to state active duty for at least thirty (30)
9 consecutive days.

10 (d) The rights, benefits, and protections of the federal Uniformed
11 Services Employment and Reemployment Rights Act, 38 U.S.C. 4301
12 et seq., as amended and in effect on January 1, 2003, apply to a
13 member of:

14 **(1) the Indiana national guard; or**

15 **(2) the national guard of another state;**

16 ordered to active duty.

17 (e) Nothing in this section shall be construed as a restriction or
18 limitation on any of the rights, benefits, and protections granted to a
19 member of:

20 **(1) the Indiana national guard; or**

21 **(2) the national guard of another state;**

22 under federal law.

23 SECTION 2. IC 10-16-20-2, AS ADDED BY P.L.156-2015,
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2016]: Sec. 2. The following definitions apply throughout this
26 chapter:

27 (1) "Military service" means:

28 (A) in the case of a servicemember who is a member or
29 reserve member of the Army, Navy, Air Force, Marine Corps,
30 or Coast Guard, full-time duty in the active military service of
31 the United States, including:

32 (i) full-time training duty;

33 (ii) annual training duty; and

34 (iii) attendance while at a school designated as a service
35 school by federal law or by the secretary of the military
36 department concerned;

37 (B) in the case of a member or reserve member of the Indiana
38 National Guard, service under a call to active:

39 (i) service authorized by the President of the United States
40 or the Secretary of Defense for a period of more than thirty
41 (30) days in response to a national emergency declared by
42 the President of the United States; or



- 1 (ii) duty as defined by IC 10-16-7-23(a) for a period of more
2 than thirty (30) consecutive days;
3 (C) in the case of a servicemember who is a commissioned
4 officer of the Public Health Service or the National Oceanic
5 and Atmospheric Administration, active service; ~~or~~
6 **(D) in the case of a member or reserve member of the**
7 **national guard of another state, service under an order by**
8 **the governor of that state to active duty for at least thirty**
9 **(30) consecutive days; or**
10 (E) any period during which a servicemember is absent from
11 duty on account of sickness, wounds, leave, or other lawful
12 cause.
13 (2) "Servicemember" means an individual engaged in military
14 service.

