

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 473

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO THE MILITARY; AMENDING SECTION 46-409, IDAHO CODE, TO REVISE
2 DEFINITIONS, TO REVISE PROVISIONS REGARDING THE APPLICABILITY OF
3 CERTAIN LAW, TO PROVIDE CORRECT CITATIONS AND TO MAKE TECHNICAL CORREC-
4 TIONS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 46-409, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 46-409. THE MILITIA CIVIL RELIEF ACT. (1) As used in this section, the
10 following terms have the following meanings:

11 (a) "Active member" means any member of the air or army national guard
12 who is called or ordered by the governor ~~for thirty (30) consecutive~~
13 ~~days or more~~ to state active duty, or to duty other than for training
14 under title 32 U.S.C., or ordered by competent federal authority into
15 active federal service under title 10 U.S.C. ~~for thirty (30) consecu-~~
16 ~~tive days or more.~~

17 (b) "Be called or ordered by the governor" means to be called or ordered
18 by the governor ~~for thirty (30) consecutive days or more~~ to state active
19 duty or to duty other than for training under title 32 U.S.C.

20 (c) "Duty other than for training" means any state active duty or title
21 32 U.S.C. duty other than training ~~unless training is required as part~~
22 ~~of thirty (30) days of the consecutive duty~~ upon the call or order of
23 the governor, or active federal service under title 10 U.S.C. Duty other
24 than for training does not include weekend drill, annual training (gen-
25 erally fifteen (15) days) as part of normal national guard service, and
26 does not include attendance at military schools ~~unless such attendance~~
27 ~~is required as part of, or occurs in conjunction with thirty (30) days of~~
28 ~~consecutive duty upon the call or order of the governor, or by order of~~
29 ~~competent federal authority.~~

30 (d) "Employee" means any person employed by a public or private em-
31 ployer.

32 (e) "~~Soldiers' and sailors'~~ Servicemembers civil relief act (§SCRA)"
33 means the provisions of 50 ~~App.~~ U.S.C. App. section 501 3901 et seq.,
34 which protects active military service members.

35 (f) "State active duty" means any active duty performed ~~for thirty (30)~~
36 ~~consecutive days or more~~ by an active member of the national guard in ac-
37 cordance with this title when called or ordered by the governor.

38 (g) "Uniform Uniformed services employment and reemployment rights
39 act of 1994 (USERRA)" means the provisions of 38 U.S.C. section 4301 et
40 seq., which gives employees who leave a civilian job to perform military
41 service the right to return to the civilian job held before entering

1 military service with the rights to seniority, to purchase insurance
2 coverage and purchase retirement credit.

3 (2) Whenever any active member of the national guard in time of war,
4 armed conflict, or emergency proclaimed by a governor or by the president of
5 the United States, shall be called or ordered by a governor to state active
6 duty ~~for a period of thirty (30) consecutive days or more,~~ or to duty other
7 than for training pursuant to title 32 U.S.C., the provision as then in ef-
8 fect of the ~~soldiers' and sailors'~~ servicemembers civil relief act, 50 App.
9 U.S.C. App. section ~~501~~ 3901 et seq., and the ~~uniform~~ uniformed services em-
10 ployment and reemployment rights act, 38 U.S.C. section 4301 et seq., shall
11 apply.

12 (3) With reference to 50 ~~App.~~ U.S.C. App. section ~~581~~ 4012, the adju-
13 tant general or his designee shall be responsible to execute certificates of
14 service referred to therein.