

IN THE SENATE

SENATE BILL NO. 1045, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-502, IDAHO CODE, TO REVISE THE
DEFINITION OF "VETERAN" AND TO PROVIDE A DEFINITION OF "ACTIVE DUTY."

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

SECTION 1. That Section 65-502, Idaho Code, be, and the same is hereby
amended to read as follows:

65-502. DEFINITIONS. As used in this chapter:

(1) "Applicant" means an individual applying for a position with a public employer.

(2) "Armed forces" means the army, navy, marine corps, coast guard, air force, and the reserve components thereof.

(3) "Civil service position" means a position for which the public employee is selected from a pool of applicants through a competitive examination, a merit system or any other rating system based on experience and qualifications.

(4) "Disabled veteran" means those veterans separated under honorable conditions who:

(a) Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or

(b) Are purple heart recipients.

(5) "Honorable conditions" means an honorable discharge or a general discharge "under honorable conditions."

(6) "Initial appointment" means the first time a qualified veteran is hired by a county or a municipal government or the state, provided however, subsequent separation from the county, municipal government or the state shall not result in the award of new preference or preference points with that governmental entity. "Initial appointment" shall not include:

(a) Jobs held by patients, inmates or students in or enrolled at a state institution;

(b) Temporary or casual employment; or

(c) An office filled by election.

(7) "Key employee" means an individual specifically hired for an "at will" position that is not a civil service position and where:

(a) The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee's duties;

(b) The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;

1 (c) The primary duty of the position is administrative work arising
2 from the management of a department or subdivision of the public em-
3 ployer or administrative work arising from the exercise of the duties of
4 an elected official and the public employee holds a confidential rela-
5 tionship to the appointing or employing officer or elected official; or

6 (d) The primary duty of the position is to provide advice or consulta-
7 tion to an elected official and the public employee holds a confidential
8 relationship to the elected official.

9 (8) "Military duty" means training and service performed by an in-
10 ductee, enlistee or reservist or any entrant into a component of the armed
11 forces of the United States, provided "military duty" shall not include ac-
12 tive duty training as a reservist in the armed forces of the United States or
13 as a member of the national guard of the United States where the call is for
14 training only.

15 (9) "Position" means a job held by a public employee but shall not in-
16 clude:

17 (a) A job held by a patient, inmate or student in or enrolled at a state
18 institution;

19 (b) Temporary or casual employment; or

20 (c) An office filled by election.

21 (10) "Preference eligible" means an individual eligible for preference
22 under section 65-503, Idaho Code.

23 (11) "Public employee" means any person holding a position in public
24 employment.

25 (12) "Public employer" means any government, department or agency men-
26 tioned in subsection (13) of this section employing a public employee in a
27 position.

28 (13) "Public employment" means employment by the government of this
29 state, or by any county, municipality or other political subdivision of the
30 state, including any department or agency thereof.

31 (14) "Register" means a list of names of persons who have been deter-
32 mined to be eligible for employment in a civil service position.

33 (15) "Service-connected disability" means that the veteran is disabled
34 due to injury or illness that was incurred in or aggravated by military ser-
35 vice as certified by the federal veterans administration or an agency of the
36 department of defense.

37 (16) "Temporary or casual employment" means employment for a brief,
38 nonrecurrent period where there is no reasonable expectation that such em-
39 ployment will continue indefinitely or for a significant period of time.

40 (17) "Veteran" means any person who has been discharged or released from
41 active duty in the armed forces under honorable conditions ~~and has:~~ provided
42 they have served on active duty for a minimum of one hundred eighty (180)
43 consecutive days. As used in this subsection and chapter, "active duty"
44 means full-time duty in the active military service of the United States.
45 Such term includes full-time training duty, annual training duty, and atten-
46 dance, while in the active military service, at a school designated as a ser-
47 vice school by law or by the secretary of the military department concerned.

48 ~~(a) Served on active duty in the armed forces during a war, in a campaign~~
49 ~~or expedition for which a campaign badge has been authorized, or during~~
50 ~~the period beginning April 28, 1952, and ending July 1, 1955;~~

- 1 ~~(b) Served on active duty as defined in 38 U.S.C. section 101(21) at any~~
2 ~~time in the armed forces for a period of more than one hundred eighty~~
3 ~~(180) consecutive days, any part of which occurred after January 31,~~
4 ~~1955, and before October 15, 1976, not including service under 10 U.S.C.~~
5 ~~section 12103(d) pursuant to an enlistment in the army national guard or~~
6 ~~the air national guard or as a reserve for service in the army reserve,~~
7 ~~naval reserve, air force reserve, marine corps reserve or coast guard~~
8 ~~reserve;~~
9 ~~(c) Served on active duty as defined in 38 U.S.C. section 101(21) in the~~
10 ~~armed forces during the period beginning on August 2, 1990, and ending~~
11 ~~on January 2, 1992; or~~
12 ~~(d) Served as may be further defined in 5 U.S.C. section 2108.~~