



February 26, 2016

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# ENGROSSED HOUSE BILL No. 1373

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DIGEST OF HB 1373 (Updated February 24, 2016 10:51 am - DI 102)

**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.

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**Borders, Bartlett, Harman, Wesco**  
(SENATE SPONSORS — TOMES, MESSMER)

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

January 26, 2016, reported — Do Pass.

January 28, 2016, read second time, ordered engrossed.

January 29, 2016, engrossed.

February 1, 2016, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Pensions & Labor.

February 25, 2016, reported favorably — Do Pass.

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EH 1373—LS 6741/DI 109





February 26, 2016

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.

## ENGROSSED HOUSE BILL No. 1373

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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**

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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.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1373 as introduced.)

GUTWEIN

Committee Vote: Yeas 11, Nays 0

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COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill No. 1373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1373 as printed January 26, 2016.)

BOOTS, Chairperson

Committee Vote: Yeas 8, Nays 0

