

HOUSE RESEARCH

Bill Summary

FILE NUMBER: 3274
Version: As introduced
Authors: Blaine and others
Subject: Military
Analyst: Jim Cleary, 651-296-5053

DATE: February 20, 2002

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill provides certain protections for military personnel who are ordered to active duty. Those benefits are defined by federal law, under the Soldiers and Sailors Relief Act of 1940, and currently apply only to military personnel who are ordered to "*federal active service*." This bill would extend those protections, under state law, to military personnel who are called to "*state active service*" or to "*federally funded state active service*," as well.

Military personnel being protected under this bill include members of the Minnesota National Guard and other Minnesota based military reservists who are ordered to active duty by either federal or state authorities.

Benefits under the Soldiers and Sailors Relief Act of 1940 include protections such as the ability to terminate pre-service leases, temporary suspension of certain civil actions, and so on.

Minnesota Statutes 190.05 defines the following terms:

Active Service - encompasses the following three types of service:

State Active Service - which excludes "federally funded state active service" and "federal active service," but includes service or duty:

1)

on behalf of the state in case of actual or threatened public disaster, war, riot, tumult, breach of the peace, resistance of process, or whenever called upon in aid of state civil authority;

2)

at encampments ordered by state authority;

3)

otherwise ordered or requested by state authority and requiring the time of the organization or person; or

4)

travel to and from service or duty under clause (1), (2) or (3).

Federally funded state active service - means service or duty under U.S. Code, Code, title 32, and travel to or from that service or duty.

Federal active service - excludes *federally funded state active service*, and means service or duty under title U.S. Code, title 10, other service or duty as may be required by the law, regulation, or order of the U.S. government, and travel to or from that service or duty.

[Military reservists other than members of the National Guard, when ordered to active duty, are always called to *federal active service* - under Title 10. National Guard members can be ordered to active duty under any of the three types of active service - under title 10, title 32, or state active service.]