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AN ACT

RELATING TO MILITARY AFFAIRS; PROVIDING FOR FEDERALLY ASSURED RIGHTS, BENEFITS AND PROTECTIONS FOR NATIONAL GUARD MEMBERS ORDERED TO STATE ACTIVE DUTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 20, Article 4 NMSA 1978 is enacted to read:

"SERVICEMEMBER'S CIVIL RELIEF ACT BENEFITS--UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT--FEDERAL OR STATE ACTIVE DUTY.--

A. The rights, benefits and protections of the federal Servicemember's Civil Relief Act shall apply to a member of the national guard ordered to state active duty for a period of thirty or more consecutive state duty days or to any federally funded duty performed in an operational role for homeland security in accordance with 32 U.S.C. 502. The federally funded duty is in addition to and different from any federally funded unit training, assembly or drill pursuant to Section 20-4-7 NMSA 1978.

B. The rights, benefits and protections of the federal Uniformed Services Employment and Reemployment Rights Act of 1994 shall apply to a member of the national guard ordered to federal or state active duty for a period of thirty or more consecutive days."

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