

Military and Veterans Enactments of the 2004 Legislature

This information brief lists enactments during the 2004 legislative session that pertain to military and veterans affairs. The principal state agencies affected by this legislation are the Department of Military Affairs (i.e., the National Guard) and the Department of Veterans Affairs.

Chapter 135 – Department of Veterans Affairs (MDVA) Authorized to Access Taxpayer ID Information (Signed 2/26/2004) S.F. 1015, Sen. Sparks; companion bill H.F. 973, Rep. Brod [same as H.F. 1690 and S.F. 1717 by same authors]

This law authorizes the Veterans Affairs Commissioner to access taxpayer identification information to notify veterans of possible health hazards and benefits that might affect them.

Chapter 146 – Trust Law (Signed 3/26/2004) S.F. 1745 Sen. Knutson; companion bill H.F. 1803, Rep. DeLaForest

This law modifies trust law provisions, clarifies procedures and terms, and makes technical changes to guardianship and conservatorship law.

Chapter 160 – Hastings Veterans Home Lease Authority Extended (Signed 4/22/2004)
S.F. 2626, Sen. Marko; companion bill H.F. 2688, Rep. McNamara

Property leasing restrictions are relaxed to enable 60-year leasing of property at Hastings veterans home campus at \$1 annually to permit the development of supportive housing for veterans.

Chapter 172 – Lawful Gambling – WWII Memorial Dedication (Signed 4/30/2004)
H.F. 2521, Rep. Jacobson; companion S.F. 2435, Sen. Vickerman

This law modified lawful gambling provisions and permitted a licensed veterans organization to use charitable gambling proceeds to pay up to \$1,500 per person to send up to two WWII veterans per post (for own organization and another organization), with a \$6,000 total cap, to attend the dedication of the WWII Veterans Memorial in Washington, D.C.

Chapter 173 – Flags in the Capitol Area (Signed 5/10/2004) H.F. 2930, Rep Vandever; companion S.F. 2733, Sen. Reiter

Flags in the Capitol area are required to be flown at half-staff following the death of any Minnesota public safety officer or Minnesota military personnel killed in the line of duty.

Chapter 207 – Veterans Preference in Hiring (Signed 5/18/2004) S.F. 2703, Sen. Ranum; companion H.F. 2874, Rep. Ozment

This act amends laws governing the state civil service. Generally, these changes reflect the way the system has operated since a pilot project was established in 1995. The changes eliminate the traditional system under which only a limited number of applicants who score highest on exams are considered for state jobs. Under the new system, hiring agencies can consider all applicants who meet minimum qualifications. The bill strikes references to terms such as “examinations” and “eligible lists,” and instead uses terms such as “selection procedures.”

Section 14. Ranking of veterans. This section provides that applicants who meet minimum qualifications for a position and claim disabled veteran’s preference shall be listed in the applicant pool ahead of all other applicants. Applicants who meet minimum qualifications and claim nondisabled veteran’s preference shall be listed in the applicant pool after those claiming disabled veterans preference and ahead of nonveterans.

Section 29. Veterans preference. This section rewrites the laws that require local governments to give veterans preference. This section writes into the local government law the substance of what had been in the state law: that is, the five-

point examination credit for nondisabled veterans and a ten-point credit for disabled veterans.

Chapter 219 – National Guard Tuition Reimbursement Program Support Level Increased (Signed 5/19/2004) S.F. 1080, Skoe; companion bill H.F. 1141, Rep. Samuelson

The support level for National Guard members' tuition and textbook reimbursement program is increased from 80 percent to 100 percent maximum (but with no actual funding increase). The law also modifies veterans homes provisions with an update and correction, as well as clarifying the permitted use of wood shop profits.

Chapter 255 – Natural Resources Bill – License Fee Refund Authorized (Signed 5/28/2004) H.F. 2212, Rep. Ozment; companion S.F. 2216, Sen. Marty

Section 28. This provision authorizes a hunting and fishing license fee refund for persons unable to participate in the licensed activity due to being ordered to active military service or having military leave cancelled for an entire open season for which the license is issued.

Chapter 256 – Various Provisions for Members of Military (Signed 5/29/04) H.F. 2166, Rep. Urdahl; companion S.F. 2260, Sen. Vickerman

Article 1 - Military Affairs

Section 1. Child Care Assistance Fund. Counties must reserve a family's position under this program if a family has been receiving child care assistance but is temporarily ineligible due to increased income from active military service; or if a military family is approved to receive assistance and reaches the top of the waiting list, but is temporarily ineligible for assistance. [Same as: Chapter 288, Article 4, section 61 – H.F. 2277]

Section 2. Employers are prohibited from asking prospective employees about their National Guard and Reserve status, if any, during the hiring process. The automatic misdemeanor penalty in criminal law for statutory prohibitions without penalties does not apply to this prohibition.

Section 3. National Guard Tuition Reimbursement Program. The assistance level increased from 80 percent to 100 percent (pending funding availability).

Sections 4 and 5. Veterans educational program certification for federal funding. Certification authority is shifted from the Department of Education to MDVA, as per Governor's Executive Order 190.

Section 6. Salary differential payment by school districts is made mandatory—but only to the extent of salary savings after paying substitute teacher salary. Payments made only to mobilized National Guard members and reservists who incur pay loss upon activation.

Section 7. Global War on Terrorism study. By January 15, 2005, the commissioner of Veterans Affairs was required to provide the legislature with certain specific background information needed to design a veterans bonus program for participants for the current global war on terrorism. The targeted recipients and bonus amounts are yet to be determined in authorizing legislation. [Note that a constitutional amendment would be necessary only if the legislature intends to fund a veterans bonus program via state borrowing—through bonding—since such payment to individuals is not a currently authorized purpose of state borrowing.]

Article 2 - Veterans Affairs

Sections 1 and 2. State Soldiers Assistance Fund. Hospitalization and medical costs are no longer an authorized purpose.

Sections 3 and 4. Tuition assistance for veterans and surviving children. It is no longer necessary to show a financial need for the \$750 lifetime educational benefit for a veteran, or the \$750 per year educational benefit for surviving children of service-connected deceased veterans.

Chapter 288 – Human Services Licensing, Child Care Assistance Fund (Signed 5/29/04) H.F. 2277, Rep. Abeler; companion S.F. 2179, Sen. Kiscaden

Article 4, Section 61 – Child Care Assistance Fund

Counties must reserve a family's position under this program if a family has been receiving child care assistance but is temporarily ineligible due to increased income from active military service, or if a military family is approved to receive assistance and reaches the top of the waiting list, but is temporarily ineligible for assistance.
[Same as: Chapter 256, Article 1, Section 1 – H.F. 2166]

Chapter 267, Articles 3 and 17 – Pension Bill, Conformance with Federal Law (Signed 5/29/04) S.F. 676, Sen. Betzold; companion H.F. 890, Rep. Smith

Pension plan provisions for when people are absent for military service apply to: Minnesota State Retirement System (MSRS); state trooper plan; Public Employee Retirement System (PERA); Teachers Retirement Association (TRA); first-class-city teacher retirement plans; and judges retirement plan.

Article 3, Allowable Service Credit, and Article 17, Prior Service Credit Purchases

These articles amend provisions governing service credit for employees who are absent due to military (uniformed) service. In general, the section ensures that the state law

provisions are in accord with requirements of federal law. An employee who is absent under this section obtains service credit by paying an employee contribution for the time the employee was absent. The employer pays the required employer contribution for this time. If the employee contributions are only partially paid, the service credit is prorated. Employee payments must be made upon return to work within a period three-times the length of the uniformed service period, not to exceed five years from return. If the uniformed service period is less than a year, the payment may be made within one year.

Also extends until May 16, 2006, the sunset date for purchasing certain military service credit from various pension plans (MSRS, PERA, TRA, and First-Class-Cities Plan).

Chapter 279 – Health (and other) Occupations Licensing (Signed 5/29/04) H.F. 2175, Rep. Abeler; companion S.F. 2351, Sen. Kiscadin

Article 1, Sections 25 and 26

Occupational Licensing (health or any other licensed professions): Cross-references to existing occupational licensing provisions in labor law are added to military and veterans law chapters, to highlight license renewal exceptions for military personnel serving in and returning from active military service.

Article 2, Section 4

This section directs the Board of Medical Practice to register an individual as a physician assistant if the individual trained and served in the U.S. military as a medic or hospital corpsman on active duty and has continuously practiced as a physician or surgeon's assistant in Minnesota since 1976, including a practice that combined in-office surgical practice with the individual's supervised autonomous schedule and with assisting in a hospital operating room on cases warranting a first assistant; the individual must also meet certain other requirements. Applications were accepted only until January 1, 2005.

For more information about veterans and the military, visit the veterans and military affairs area of our web site, www.house.mn/hrd/issinfo/vetmil.htm.