

**Sec. 51. REPEALER.**

(a) Minnesota Statutes 2002, sections 84.862, subdivision 2; 84.95, subdivision 3; 85.34, subdivision 4; and 97A.485, subdivisions 2, 8, and 10; and Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 28, are repealed.

(b) If enacted in the 2004 legislative session, chapter 215, sections 15, 23, and 29, is repealed.

**Sec. 52. EFFECTIVE DATE.**

Sections 24 and 51, paragraph (b), are effective the day following final enactment. The remainder of this act is effective July 1, 2004.

Presented to the governor May 18, 2004

Signed by the governor May 28, 2004, 4:35 p.m.

**CHAPTER 256—H.F.No. 2166**

*An act relating to the military; reserving a military family's position under the child care assistance fund; prohibiting potential employers from inquiring about National Guard or reserve status; transferring responsibility for the veterans training program and general responsibility for veterans educational benefits to the commissioner of veterans affairs; requiring payment of a salary differential to school district employees who have reported to active military duty; requiring the commissioner of veterans affairs to provide information needed to implement a Global War on Terrorism bonus to veterans; changing certain veterans benefit provisions; amending Minnesota Statutes 2002, sections 119B.09, by adding a subdivision; 197.03; 197.75, subdivision 3; Minnesota Statutes 2003 Supplement, sections 192.501, subdivision 2; 197.05; 197.75, subdivision 1; 197.78, subdivision 1; 471.975; proposing coding for new law in Minnesota Statutes, chapters 181; 197; repealing Minnesota Statutes 2002, sections 124D.97; 197.23, subdivision 2; 197.236, subdivision 4; 197.59.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

**ARTICLE 1**

Section 1. Minnesota Statutes 2002, section 119B.09, is amended by adding a subdivision to read:

**Subd. 4a. TEMPORARY INELIGIBILITY OF MILITARY PERSONNEL.** Counties must reserve a family's position under the child care assistance fund if a family has been receiving child care assistance but is temporarily ineligible for assistance due to increased income from active military service. Activated military personnel may be temporarily ineligible until deactivation. A county must reserve a

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military family's position on the basic sliding fee waiting list under the child care assistance fund if a family is approved to receive child care assistance and reaches the top of the waiting list but is temporarily ineligible for assistance.

**Sec. 2. [181.535] ARMED FORCES RESERVES OR NATIONAL GUARD STATUS.**

(a) No person, whether acting directly or through an agent or as the agent or employee of another may, with intent to discriminate:

(1) ask a person seeking employment with that person or the employer represented by that person whether the person seeking employment is a member of the National Guard or a reserve component of the United States Armed Forces; or

(2) require the person seeking employment to make any oral or written statement concerning National Guard or reserve status as a condition precedent to employment.

(b) The adjutant general and the commissioner of veterans affairs shall use reasonable means to publicize this section. This section does not apply to public employers asking a question or requesting a statement for the purpose of determining whether a veterans preference applies.

(c) Section 645.241 does not apply to this section.

Sec. 3. Minnesota Statutes 2003 Supplement, section 192.501, subdivision 2, is amended to read:

Subd. 2. **TUITION AND TEXTBOOK REIMBURSEMENT GRANT PROGRAM.** (a) The adjutant general shall establish a program to provide tuition and textbook reimbursement grants to eligible members of the Minnesota National Guard within the limitations of this subdivision.

(b) Eligibility is limited to a member of the National Guard who:

(1) is serving satisfactorily as defined by the adjutant general;

(2) is attending a postsecondary educational institution, as defined by section 136A.15, subdivision 6, including a vocational or technical school operated or regulated by this state or another state or province; and

(3) provides proof of satisfactory completion of coursework, as defined by the adjutant general.

In addition, if a member of the Minnesota National Guard is killed in the line of state active service or federally funded state active service, as defined in section 190.05, subdivisions 5a and 5b, the member's surviving spouse, and any surviving dependent who has not yet reached 24 years of age, is eligible for a tuition and textbook reimbursement grant.

The adjutant general may, within the limitations of this paragraph and other applicable laws, determine additional eligibility criteria for the grant, and must specify the criteria in department regulations and publish changes as necessary.

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(c) The amount of a tuition and textbook reimbursement grant must be specified on a schedule as determined and published in department regulations by the adjutant general, but is limited to a maximum of an amount equal to the greater of:

(1) ~~75 up to 100~~ percent of the cost of tuition for lower division programs in the College of Liberal Arts at the Twin Cities campus of the University of Minnesota in the most recent academic year; or

(2) ~~50 up to 100~~ percent of the cost of tuition for the program in which the person is enrolled at that Minnesota public institution, or if that public institution is outside the state of Minnesota, for the cost of a comparable program at the University of Minnesota, except that in the case of a survivor as defined in paragraph (b), the amount of the tuition and textbook reimbursement grant for coursework satisfactorily completed by the person is limited to 100 percent of the cost of tuition for postsecondary courses at a Minnesota public educational institution.

Paragraph (b) notwithstanding, a person is no longer eligible for a grant under this subdivision once the person has received grants under this subdivision for the equivalent of 208 quarter credits or 144 semester credits of coursework.

(d) Tuition and textbook reimbursement grants received under this subdivision may not be considered by the Minnesota Higher Education Services Office or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.095 to 136A.1311.

(e) If a member fails to complete a term of enlistment during which a tuition and textbook reimbursement grant was paid, the adjutant general may seek to recoup a prorated amount as determined by the adjutant general.

Sec. 4. Minnesota Statutes 2003 Supplement, section 197.78, subdivision 1, is amended to read:

Subdivision 1. The commissioner of ~~education~~ veterans affairs shall foster and support educational programs for the benefit of veterans to assure that no Minnesotan shall be deprived of earned veterans benefits by virtue of the unavailability of programs for which the veteran is entitled to enroll and receive subsistence, tuition, and other benefits under federal programs. It shall be the responsibility of the commissioner to measure the demand for veterans service educational programs based on the criteria mandated by federal veterans benefits laws and to authorize, promote, and make grants within appropriated amounts to assure such program availability.

Sec. 5. ~~[197.781]~~ **VETERANS TRAINING PROGRAM.**

The commissioner of veterans affairs shall administer the veterans training program. Money in the veterans training revolving fund for the veterans training program is appropriated to the commissioner to pay the necessary expenses of operating the program. The department must act as the state agency for approving educational institutions for purposes of United States Code, title 38, chapter 36, relating to educational benefits for veterans and other persons and it may adopt rules to fulfill its obligations as the state approving agency. All federal money received for

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purposes of the veterans training program must be deposited in the veterans training revolving fund.

Sec. 6. Minnesota Statutes 2003 Supplement, section 471.975, is amended to read:

**471.975 MAX PAY SALARY DIFFERENTIAL OF NATIONAL GUARD OR OTHER RESERVE COMPONENT ON ACTIVE DUTY.**

(a) Except as provided in paragraph (b), a statutory or home rule charter city, county, town, school district, or other political subdivision may pay to each eligible member of the National Guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Payment under this section must not extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

(b) Subject to the limits under paragraph (g), each school district shall pay to each eligible member of the National Guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active school district employee, including any adjustments the member would have received if not on leave of absence. The pay differential must be based on a comparison between the member's daily rate of active duty pay, calculated by dividing the member's military monthly salary by the number of paid days in the month, and the member's daily rate of pay for the member's school district salary, calculated by dividing the member's total school district salary by the number of contract days. The member's salary as a school district employee must include the member's basic salary and any additional salary the member earns from the school district for cocurricular activities. The differential payment under this paragraph must be the difference between the daily rates of military pay times the number of school district contract days the member misses because of military active duty. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active school district employee. Payments may be made at the intervals at which the member received pay as a school district employee. Payment under this section must not extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

(c) An eligible member of the reserve components of the armed forces of the United States is a reservist or National Guard member who was an employee of a political subdivision at the time the member reported for active service on or after May 29, 2003, or who is on active service on May 29, 2003.

(e) (d) Notwithstanding other obligations under law and except as provided in paragraph (e), a statutory or home rule charter city, county, town, or other political

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subdivision has total discretion regarding employee benefit continuation for a member who reports for active service and the terms and conditions of any benefit.

(e) A school district must continue the employee's enrollment in health and dental coverage, and the employer contribution toward that coverage, until the employee is covered by health and dental coverage provided by the armed forces. If the employee had elected dependent coverage for health or dental coverage as of the time that the employee reported for active service, a school district must offer the employee the option to continue the dependent coverage at the employee's own expense. A school district must permit the employee to continue participating in any pretax account in which the employee participated when the employee reported for active service, to the extent of employee pay available for that purpose.

(d) (f) For purposes of this section, "active service" has the meaning given in section 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

(1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;

(2) special training periodically made available to reserve members; and

(3) service performed in accordance with section 190.08, subdivision 3.

(g) A school district making payments under paragraph (b) shall place a sum equal to any difference between the amount of salary that would have been paid to the employee who is receiving the payments and the amount of salary being paid to substitutes for that employee into a special fund that must be used to pay or partially pay the deployed employee's payments under paragraph (b). A school district is required to pay only this amount to the deployed school district employee.

#### Sec. 7. GLOBAL WAR ON TERRORISM BONUS.

By January 15, 2005, the commissioner of veterans affairs shall provide to legislative committees with jurisdiction over veterans affairs the information needed to implement a Global War on Terrorism bonus to veterans, including service eligibility dates, service medals, and a fiscal note.

#### Sec. 8. REPEALER.

Minnesota Statutes 2002, section 124D.97, is repealed.

#### Sec. 9. EFFECTIVE DATE.

This article is effective July 1, 2004.

## ARTICLE 2

Section 1. Minnesota Statutes 2002, section 197.03, is amended to read:

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**197.03 STATE SOLDIERS' ASSISTANCE FUND CREATED.**

There is created a state soldiers' assistance fund to aid and assist any citizen of Minnesota or resident alien residing in Minnesota who served in the military or naval forces of the United States, in securing compensation, ~~hospitalization, medical treatment,~~ insurance or other relief or benefits to which the server may be entitled from the United States or any other government or state and for the emergency relief, hospitalization, treatment and maintenance of all such persons who were bona fide residents of the state at the time their need arose and their dependents as provided by sections 196.05 and 197.04 to 197.07.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2003 Supplement, section 197.05, is amended to read:

**197.05 FUND, HOW EXPENDED.**

(a) The state soldiers' assistance fund shall be administered by the commissioner of veterans affairs and shall be used to locate and investigate the facts as to any Minnesota resident or resident alien residing in Minnesota who served in the military or naval forces of the United States and who is indigent or suffering from any disability whether acquired in the service or not; to assist the person and the person's dependents as hereinafter provided in establishing and proving any just claim the person may have against the United States government, or any other government or state for compensation, insurance, relief, or other benefits; to provide ~~emergency hospitalization, treatment,~~ maintenance, and relief for any person suffering from disability who was a bona fide resident of the state at the time the need arose and the person's dependents, as hereinafter provided; and to cooperate with other state, municipal, and county officials and civic or civilian agencies or organizations in carrying out the provisions of sections 197.03 to 197.07. The commissioner shall limit financial assistance to veterans and dependents to six months, unless recipients have been certified as ineligible for other benefit programs.

(b) For purposes of this section, "resident" means a person living in Minnesota for at least 30 days with the intention of residing in the state and not for any temporary purpose. An applicant may verify a residence address by presenting a valid state driver's license, a state identification card, a voter registration card, a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address, or other form of verification approved by the commissioner.

(c) The fund is appropriated to be used in the manner determined by the commissioner of veterans affairs for these purposes.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2003 Supplement, section 197.75, subdivision 1, is amended to read:

Subdivision 1. **BENEFITS; ELIGIBILITY.** The commissioner of veterans affairs shall spend a biennial appropriation for tuition of veterans, and for tuition, fees,

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board, room, books and supplies of the children of veterans who have died as a result of their service in the armed forces of the United States as determined by the United States Veterans Administration or other instrumentality of the United States, in the University of Minnesota, a state university, a community college, a technical college, or any other university of higher learning within the state accredited by the North Central Association of Colleges and Secondary Schools, a law college approved by the Supreme Court, a nursing school approved by the state Board of Nursing, or in a trade, business, or vocational school in the state approved by the state Department of Education, or in a theological seminary, for any course which such veteran or child may elect. Not more than \$750 shall be expended for the benefit of any individual veteran, and not more than \$750 in any fiscal year shall be expended for the benefit of any child under this section, and the need for the benefit shall be established and determined by the commissioner of veterans affairs. No child of any veteran shall make application for the benefits provided in this section unless the child resided in Minnesota for at least two years immediately prior to the date of the application. Children of veterans eligible for benefits according to this section shall be admitted to state institutions of university grade free of tuition until they receive a bachelors or equivalent degree. Payments of benefits shall be made directly to the institution in which the course of instruction is given or to the individual on forms prescribed by the commissioner.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2002, section 197.75, subdivision 3, is amended to read:

Subd. 3. **PROOF OF ELIGIBILITY.** Approval for benefits under this section shall require submission of the following evidence: application, ~~financial statement~~, proof of military service, proof of residency and where applicable, a statement from the United States Veterans Administration that the veteran has exhausted entitlement to federal educational benefits through use thereof or that the veteran died of service connected disabilities. Upon submission of satisfactory proof of eligibility, benefits shall be provided from the date of application and notification of approval shall be sent to the educational institution and applicant.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 5. **REPEALER.**

Minnesota Statutes 2002, sections 197.23, subdivision 2; 197.236, subdivision 4; and 197.59, are repealed.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 1:30 p.m.

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