
Military and Veterans Enactments by the 2006 Minnesota Legislature

Appropriations, Benefits, and Protections

This information brief summarizes the major enactments by the 2006 Minnesota Legislature relating to the military and veterans. It includes both appropriations and policy provisions.

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Appropriations

Deficiency and Supplemental Funding Bill

The following appropriations appear in the supplemental and deficiency funding bill of 2006 ([Laws 2006, ch. 282](#)).

ARTICLE 15 – Department of Veterans Affairs	FY06	FY07	TOTAL
Department of Veterans Affairs (MDVA) – Total Appropriation	\$250,000	\$3,230,000	\$3,480,000
<p>State Soldiers Assistance Fund</p> <p>In addition to other funding appropriated for this purpose (See Minn. Stat. § 197.03)</p>	0	2,000,000	2,000,000
<p>Veterans Web Site Development</p> <p>To create a centralized web site containing information on all benefits and services for veterans</p>	0	100,000	100,000
<p>Grants to Counties</p> <p>Commissioner of MDVA will issue a request for proposals for grants to enhance benefits, programs, and services provided to veterans. Priority for:</p> <ol style="list-style-type: none"> 1) effective outreach to veterans 2) reintegration of combat veterans into society 3) collaboration with other social services, education agencies, and other community resources 4) reducing homelessness among veterans 5) providing measurable outcomes <p>Commissioner may provide incentives to encourage regional collaboration. Vinland Center and Minnesota Assistance Council for Veterans may apply.</p> <p>This appropriation must be included in the MDVA’s base appropriation through FY09.</p>	0	200,000	200,000
<p>Higher Education Veterans Assistance Offices</p> <p>For the new Higher Education Veterans Assistance Program, described below. This appropriation must be included in the MDVA’s base appropriation through FY09.</p>	0	600,000	600,000
<p>Outreach and Assistance</p> <p>To better assist underserved veterans</p>	250,000	250,000	500,000
<p>Veterans Organizations</p> <p>For veterans services provided by the VFW, Military Order of the Purple Heart, Disabled American Veterans, and the Vietnam Veterans of America. This is a onetime appropriation.</p>	0	80,000	80,000

ARTICLE 22 – Health and Human Services	FY06	FY07	TOTAL
Veterans Nursing Home Board - General	\$2,448,000	\$3,790,000	\$6,238,000
<p style="text-align: center;">Base adjustment</p> <p>The general fund base is increased by \$3,945,000 in fiscal year 2008 and \$3,945,000 in fiscal year 2009 for the Veterans Home Board. These amounts are in addition to other appropriations for this purpose.</p>			
<p style="text-align: center;">Surprise inspections</p> <p>The board must contract for two mock, surprise inspections during each fiscal year at the Minneapolis facility.</p>			
<p style="text-align: center;">Quality assurance</p> <p>Of this appropriation, \$1,868,000 in fiscal year 2006 and \$2,159,000 in fiscal year 2007 is to supplement nursing staff at the Minneapolis facility. The board must negotiate with state bargaining units to address wages, benefits, and the staffing skill mix in order to appropriately serve the acuity level of residents.</p>			
ARTICLE 11 – Economic Development			
<p style="text-align: center;">Veterans Memorial - City of Worthington</p> <p>Grant to city of Worthington for construction of a veteran’s memorial, contingent upon receipt of local matching funds.</p>			\$10,000

2006 Capital Budget – Bonding Bill

The following figures are from the spreadsheet for the 2006 bonding bill ([Laws 2006, ch. 258](#)).

2006 Capital Budget (Bonding Bill)	
Military Affairs - Total	\$7,579,000
Asset Preservation	4,000,000
Facility Life Safety	1,000,000
Range Land Abatement	1,029,000
Facility ADA Requirements	1,400,000
Starbase MN	150,000
Veterans Nursing Home Board - Total	\$12,090,000
Asset Preservation	6,000,000
Fergus Falls Special Care Unit	637,000
Hastings Supportive Housing	700,000
Luverne Dementia Wander Area	599,000
Minneapolis Emergency Power	2,457,000
Silver Bay Master Plan	1,697,000
Department of Administration	
Statue for Hmong Veterans of the Vietnam War	\$150,000

Policy Provisions

Most of the following policy provisions were enacted in [Laws 2006, chapter 273](#)—the Omnibus Military and Veterans Act of 2006 ([House File 3664/Senate File 3333](#)). Many provisions within that omnibus enactment were extracted from the governor’s military and veterans bill of 2006 ([House File 2921/Senate File 2654](#)).

Income Tax

Income Tax Credit for Recent War Veterans

This law provides a refundable tax credit to Minnesota residents who have served in active military service in a designated area at any time since September 11, 2001. The credit is \$59 per month or portion of a month, which totals to \$708 for a year of service. There is no maximum on the number of months of eligibility that will be credited. However, an eligible person must file a tax return to trigger receipt of the credit.

This new tax credit is refundable in the sense that it is awarded to each qualifying tax filer, even if that veteran has no tax liability in the year of filing. If the amount of credit for which the individual is eligible exceeds the person’s tax liability, the Minnesota Department of Revenue must refund the excess to the individual.

“Designated area” means:

- a combat zone designated by executive order by the president of the United States;
- a qualified hazardous duty area, designated in public law; or
- a location certified by the U.S. Department of Defense as eligible for combat zone tax benefits due to the location’s direct support of military operations.

If an eligible Minnesota soldier dies prior to claiming the credit, the individual’s surviving spouse or dependent child may file for it.

([Laws 2006, ch. 259](#), art. 1, § 2)

Higher Education

Higher Education Veterans Assistance Program Created

Program. This provision creates a new program to provide assistance to veterans at all public and private higher educational institutions in Minnesota. Funding for the program is directed to

the Minnesota Department of Veterans Affairs (MDVA). The commissioner must use the funding to provide central liaison staff and campus veterans assistance officers (e.g., through work-study positions) to provide information and assistance to veterans regarding the availability of state, federal, local, and private resources.

Advisory Steering Committee. The commissioner must chair an advisory steering committee composed of a representative from each of the following: MnSCU; the University of Minnesota; private colleges and universities; the Office of Higher Education; county veterans service offices (CVSOs); and the Department of Employment and Economic Development.

Campus Office Space. Each campus of the University of Minnesota and each institution within MnSCU must provide, and each private college and university is encouraged to provide, adequate space for a campus veterans service office.

Report to the Legislature. The steering committee must report to the chairs of the legislative committees overseeing veterans affairs and higher education policy and finances on the implementation and effectiveness of this program. The committee must report each January 15, beginning in 2007.

Sunset. This program expires at the end of the first fiscal year in which the number of veterans enrolled in Minnesota public institutions of higher education falls below 4,000, but no later than June 30, 2011.

(Laws 2006, ch. 282, art. 15, § 2, subd. 5)

Higher Education Access for Veterans

Course Recognition for Military Training and Experience. This directs the Minnesota State Colleges and Universities (MnSCU) to recognize coursework and award educational credits for a veteran's military training and service, if the course or training meet the standards of the American Council on Education or the equivalent. It encourages the University of Minnesota and private colleges and universities to do likewise.

Resident Tuition Status for Veterans. This directs the University of Minnesota and MnSCU institutions to treat all U.S. military veterans as Minnesota residents for undergraduate tuition rate purposes, irrespective of their state of origin or residency. It also directs that for graduate school tuition purposes, a veteran must be treated as a resident if the person was a resident upon entering the military and starts the graduate program within two years of completing military service.

Delayed Payment of Tuition. The University of Minnesota and MnSCU institutions may not assess late fees or other late charges for veterans who are eligible to receive, have applied for, and are waiting to receive federal educational assistance, nor prevent them from registering for a subsequent term. The institution may require payment from a veteran within 30 days of the veteran's receipt of federal assistance.

(Laws 2006, ch. 273, § 9)

Employment Issues

Employment: Extending USERRA Protections to State Active Service

There are two federal laws that protect soldiers' rights upon their being ordered into federal active service. Those laws are:

- **SCRA** (the newly renamed Servicemembers Civil Relief Act), which provides a range of civil law protections; and
- **USERRA** (the Uniformed Services Employment and Reemployment Rights Act), which provides a range of employment protections.

Since 2002, [Minnesota Statutes, section 190.055](#), has extended federal SCRA law by guaranteeing the same civil law protections for Minnesota soldiers mobilized into state active service or federally funded state active service, as have been provided under federal law for soldiers mobilized into federal active service. The bill updates the cross-reference to that federal law using its newly revised federal title—Servicemembers Civil Relief Act.

By adding a similar cross-reference for USERRA into Minnesota Statutes, section 190.055, this statute provides the same employment protections for soldiers entering state active service or federally funded state active service that are currently being provided under USERRA to soldiers entering into federal active service.

An example of mobilization into state active service (which later became federally funded state active service) occurred following the September 11, 2001, terrorist attacks, when hundreds of Minnesota National Guard members were mobilized for 179 days of emergency airport security duty within the state. A current example is the mobilization of National Guard troops for southern border patrol duty to prevent illegal immigration into the United States.

([Laws 2006, ch. 273](#), § 6)

Occupational and Professional Licensure and Certification During Mobilization

This provision clarifies a 50-year-old statute that protects the existing occupational/professional licensure and certification of Minnesotans who are ordered into active military service, as well as Minnesotans who are employed in key national defense jobs and deployed overseas during time of war or national emergency.

The existing law might well contain the longest sentence in Minnesota Statutes (over 300 words). The bill clarifies that statute by updating and/or deleting archaic language.

The statute provides that a person who has a valid occupational or professional certification or license from the State of Minnesota at the time he or she is deployed into active military or essential civilian service, may apply to be recertified or relicensed during and for up to six

months following deployment, without fee and without having to meet any other continuing educational or training requirements or other conditions that would normally apply. If the person's licensure or certification expires during that time period, the law states that it must be reinstated by the state upon request and in the same manner as if the person had been present and had remained fully qualified.

Renewal is permitted during the qualifying time period, irrespective of whether the certification or licensure actually expires during that period of time. Prior to this change in the law, different state agencies responsible for licensing and certification interpreted this provision in different ways.

(Laws 2006, ch. 273, § 10, subd. 2)

Employment Leave for Family Members of an Injured or Killed Soldier

This provision requires any public or private employer to grant unpaid leave of absence to an employee whose immediate family member is injured or killed while serving anywhere in active military service.

Definitions. It defines "active service" to broadly include both federal and state active military service for any purpose, including training. "Employer" and "employee" are defined to include both public and private sector, including an independent contractors. "Immediate family member" is defined as the deceased servicemember's parent, child, grandparents, siblings, or spouse.

Leave required. A public or private employer must grant up to ten days of unpaid leave of absence to an employee whose immediate family member has been killed or injured while serving in active military service.

Notice. The employee must give the employer as much notice as is practicable before taking the leave.

Relationship to other leave. The employer may reduce the unpaid leave by any period of paid leave provided for the employee.

(Laws 2006, ch. 273, § 3)

Employment Leave for Family Members to Attend Military Ceremonies

All public and private employers in Minnesota, except independent contractors, must provide unpaid leave to an employee whose immediate family member has been mobilized into active military service in support of a war or other national emergency.

The employer may limit the amount of leave to the actual time necessary to attend a send-off or homecoming ceremony, not to exceed one-day's duration in any calendar year.

(Laws 2006, ch. 273, § 4)

State Salary Differential Pay Program – Extending Eligibility

This section broadens the eligibility criteria for the pay differential program for state employees when they are ordered into active military service. Under prior law, the program eligibility was limited to members of the Minnesota National Guard and other military reserves (i.e., to members of the reserve components of the U.S. Armed Forces). Now eligibility is expanded to include the other reserve members of the uniformed services of the United States, as well.

Under federal law (U.S.C. Title 10, Ch. 1, §101(a)(5)), the term “uniformed services” includes:

- the U.S. armed forces (Army, Navy, Air Force, Marine Corps, and Coast Guard);
- the commissioned corps of the National Oceanic and Atmospheric Administration; and
- the commissioned corps of the Public Health Service (e.g., morticians mobilized to identify bodies following Hurricane Katrina).

Among members of the uniformed services within Minnesota, nearly all are members of the U.S. Armed Forces. Perhaps one or two dozen others belong to the commissioned ranks of the Public Health Service.

All other changes in this section of the act are either conforming or clarifying amendments.

[\(Laws 2006, ch. 273, § 1\)](#)

National Guard Security Guards Allowed to Carry Certain Weapons at Work

Minnesota Statutes currently strictly regulate the ownership, possession, and use of machine guns and short-barreled shotguns. This bill would expand the list of permitted users of such weapons to include persons employed by the Minnesota National Guard as security guards, when working on a military base in accordance with federal military regulations.

Current categories of authorized users include:

- certain law enforcement and correctional officers;
- certain authorized manufacturers (for sale to federal and state agencies); and
- certain authorized collectors.

Other persons are generally prohibited by both federal and state law from possessing machine guns and short-barreled shotguns.

Under both federal and state law a machine gun is any firearm designed to discharge, or capable of discharging automatically, more than once by a single pull of the trigger. This definition

encompasses many standard military firearms, including the M16 and M4 standard assault rifles commonly used by National Guard and Reserve soldiers. Any shotgun having a barrel under 18 inches in length meets the federal definition of short-barreled shotgun.

(Laws 2006, ch. 273, § 11, subd. 3 (6))

Extending the Time Period for Taking Medical Board Exams

Applicants for medical licensure who are mobilized into active military service during the process of taking the United States Medical Licensing Examination (USMLE), but before passage of all three steps, may have ten years in which to pass all steps of the exam.

Under prior law, applicants had to complete all three steps of the exam within seven years, except for applicants actively enrolled in or who had graduated from certain dual degree programs. Those applicants have up to ten years in which to complete the exam.

Proof of active military service must be submitted to the Board of Medical Practice according to the board's timelines.

(Laws 2006, ch. 199)

Miscellaneous

State Park Pass Exemption for Military Personnel on Leave

This provision exempts all military personnel from the requirement to obtain a Minnesota State Park entrance permit, if the person is serving in federal active military service outside Minnesota, and for 90 days immediately thereafter.

The servicemember must notify the park attendant on duty of the person's military status when using this exemption, possess a valid military ID, and visibly affix his or her military orders to the inside of the windshield of the vehicle being used at that time.

This provision applies to any servicemember stationed outside Minnesota on federal active service, whether the person is a member of the National Guard or reserves, or is a member of any branch of the regular active military. The benefit is not restricted to Minnesota residents. The primary beneficiaries of this bill would likely be Minnesota servicemembers when home on leave, as well as many members of the National Guard and Reserves upon their return home from the war. (Effective June 2, 2006.)

(Laws 2006, ch. 273, § 2, subd. 8)

Veterans Preference for Basic Sliding Fee Childcare Program

This enactment provides families in which at least one parent is a veteran with a preference (fourth priority) for child care assistance under the state's basic sliding fee program. This program is designed to assist families in which one or more parents do not have a high school diploma or GE equivalency degree or who need education or training leading to employment, with child care assistance to enable them to participate in the educational program.

(Laws 2006, ch. 264, § 2, subd. 4)

Prohibiting Protests at Military and Other Funerals

This bill prohibits the intentional disruption of a funeral ceremony, funeral procession, burial service, or memorial service for any deceased person for any reason. It creates criminal penalties for a violation and provides certain civil remedies. In addition, it prohibits targeted picketing of the home of any family or household member of the deceased person on the date of the service or ceremony. Enhancement for a repeat offense does not require that the earlier offense have occurred within Minnesota.

Crime to Disrupt. The law creates criminal penalties for intentionally disrupting a funeral ceremony, graveside service, or memorial service for any deceased person.

The first violation is a misdemeanor crime. A repeat violation of this statute, or of a similar statute in another state, is a gross misdemeanor. It is a crime to do any of the following:

- intentionally disrupt a graveside service, memorial service, or funeral ceremony by protesting or picketing within 500 feet of the burial site or the entrance to a facility or location being used for the service or ceremony, within one hour prior to, during, or one hour following the service or ceremony
- intentionally disrupt a funeral procession by impeding or attempting to impede vehicles that are part of the funeral procession
- intentionally block or attempt to block access to a funeral ceremony, graveside service, or memorial service
- knowingly engage in targeted residential picketing at the home or domicile of any surviving member of the deceased person's family or household on the date of the service or ceremony

Civil Remedies. The law allows a surviving member of the deceased person's family or household to sue for damages, file for an injunction, and pursue other appropriate relief or remedial compensation. Attorney fees may be awarded.

(Laws 2006, ch. 195)

Conducting Veterans Home Board Meetings Electronically

This allows the board of directors of the Minnesota Veterans Homes to conduct meetings by telephone or other electronic means, provided certain conditions are met. The conditions are designed to ensure that the discussion and audience participation can be accomplished effectively, and that all votes are recorded by roll call.

(Laws 2006, ch. 198, § 1)

Veteran Recognition

Policy Statement Supporting Veterans

The act inserts a policy statement into National Guard statutes. It acknowledges the need for a strong military in both peacetime and war, recognizes the ongoing sacrifices of military members and their families, and commends the character, leadership, and training of military personnel of all generations.

(Laws 2006, ch. 273, § 2, subd. 5)

Memorial Plaques in the Court of Honor

Authorizes placement of plaques in the military court of honor in the Capitol Mall honoring:

- military war dogs and their handlers from all time periods; and
- soldiers who have earned the Congressional Medal of Honor, the nation's highest military award.

The plaques must be paid for by nonstate sources and must meet design approval by the Commissioner of Veterans Affairs and the Minnesota Architectural and Planning Board. As a practical matter, the commissioner also controls the contracting for and installment of plaques. (Currently, there are approximately two dozen military plaques in the court of honor.)

(Laws 2006, ch. 218, § 1; ch. 273, § 14)

Restoring Victory Memorial Drive

The war dogs enactment also includes a provision that establishes a task force for the restoration of Victory Memorial Drive in Minneapolis, which is a memorial to Minnesota's World War I veterans.

(Laws 2006, ch. 218, § 2)

The task force membership will be composed largely of state and local officials and a local citizen representative. Staff support must be provided by named historical, park, and other state and local agencies. The task force must report to the legislature each biennium. The authorization for the task force is scheduled to expire at the end of 2009.

(Laws 2006, ch. 218)

Funding Provided for a Statue for Hmong Veterans of the Vietnam War

This provision appropriates \$150,000 to the Commissioner of Administration for the design and construction of a statue for the Hmong Veterans of the Vietnam War, who fought as allies with the U.S. military. The statue will be located on the Capitol grounds, under the authority of the Capitol Architecture and Planning Committee.

(Laws 2006, ch. 258, § 12, subd. 5; also see: [Laws 2003, ch. 69](#))

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