

individual is fit to resume the competent practice of psychology with reasonable skill and safety to the public.

(c) In a proceeding under this subdivision, neither the record of the proceedings nor the orders entered by the board is admissible, is subject to subpoena, or may be used against the individual regulated by the board in any proceeding not commenced by the board.

(d) Information obtained under this subdivision is classified as private under section 13.02, subdivision 12.

Sec. 6. **APPROPRIATION.**

\$1,000 is appropriated for each fiscal year of the biennium ending June 30, 2005, from the state government special revenue fund to the board of psychology for the purpose of administering section 3.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 3:59 p.m.

CHAPTER 123—H.F.No. 294

An act relating to the military; requiring payment of a salary differential and continuation of certain benefits to certain state employees who are members of the national guard or other military reserve units and who reported for active military duty; permitting local governments to pay a similar salary differential for their employees who are members of the national guard or other military reserve units and who have reported for active military service; amending Minnesota Statutes 2002, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Section 1. [43A.183] **PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES WHO REPORTED FOR ACTIVE SERVICE.**

(a) Each agency head 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 state 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 state employee. Payments must be made at the intervals at which the member received pay as a state 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.

(b) 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 the state

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of Minnesota at the time the member reported for active service.

(c) For the purposes of this section, an employee of the state is an employee of the executive, judicial, or legislative branch of state government or an employee of the Minnesota state retirement system, the public employee retirement association, or the teachers retirement association.

(d) For purposes of this section, the term "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.

(e) The agency head 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, the agency head must offer the employee the option to continue the dependent coverage at the employee's own expense. The agency head must permit the employee to continue participating in any pre-tax account in which the employee participated when the employee reported for active service, to the extent of employee pay available for that purpose.

(f) The commissioner of employee relations and the commissioner of finance shall adopt procedures required to implement this section. The procedures are exempt from chapter 14.

(g) This section does not apply to a judge, legislator, or constitutional officer of the executive branch.

Sec. 2. Minnesota Statutes 2002, section 471.975, is amended to read:

471.975 MAY PAY SALARY DIFFERENTIAL OF RESERVE ON ACTIVE DUTY.

(a) 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 components 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. Payments must be made at the intervals at which the member received pay as a political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Such pay shall Payment under this section must not extend beyond four years from the

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date the employee was called to reported for active duty service, plus such any additional time in each case as such the employee may be legally required to serve pursuant to law.

(b) 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 was called to reported for active duty and who was or is called to active duty service on or after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq the effective date of this act or who is on active service on the effective date of this act.

(c) Notwithstanding other obligations under law, a political subdivision has total discretion regarding employee benefit continuation for a member who reports for active service and the terms and conditions of any benefit.

(d) 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.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment and apply to salary differential for active service on or after that date.

Presented to the governor May 24, 2003

Signed by the governor May 28, 2003, 1:41 p.m.

CHAPTER 124—H.F.No. 768

An act relating to veterans; classifying military certificates of discharge as private data on individuals; providing procedures for their release; amending Minnesota Statutes 2002, sections 13.785, subdivision 2; 196.08; 386.20, subdivision 1.

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

Section 1. Minnesota Statutes 2002, section 13.785, subdivision 2, is amended to read:

Subd. 2. **DEPARTMENT OF VETERANS AFFAIRS.** (a) **CERTAIN VETERANS BENEFITS AND MILITARY CERTIFICATES OF DISCHARGE.** Access to

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