

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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military certificates of discharge and to files pertaining to claims for certain veterans benefits is governed by section 196.08.

(b) **AGENT ORANGE INFORMATION AND ASSISTANCE ACT.** Disclosure of summary data and of the identity of a veteran about whom information is received under sections 196.19 to 196.26, is governed by section 196.25.

Sec. 2. Minnesota Statutes 2002, section 196.08, is amended to read:

196.08 FILES AND RECORDS CONFIDENTIAL.

(a) The contents of, and all files, records, reports, papers and documents pertaining to, any claim for the benefits of Laws 1943, chapter 420, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made, without the consent in writing of the claimant who has not been adjudicated incompetent, except as follows:

(a) (1) To said claimant personally, a duly appointed guardian, an attorney in fact, or a duly authorized representative, and as to personal matters, when, in the judgment of the commissioner, such disclosure would not be injurious to the physical or mental health of the claimant.

(b) (2) To the representatives of veterans' organizations recognized by the United States government, not exceeding five from each such veterans' organizations, and when such representatives have been duly certified as such by the state department of any such veterans' organizations in the state of Minnesota.

(c) (3) In any court in the state of Minnesota which has jurisdiction of the parties to, and subject matter of, an action or proceeding therein pending, as found by said court, when required to be produced by the process of such court, and then only in open court, as evidence, in such action or proceeding after a judge thereof shall have ruled the same to be relevant and competent evidence in such action or proceeding according to the laws and statutes of said state.

(b) Notwithstanding section 382.16, and except as authorized in paragraph (c), no government entity may release the contents of, or any files, records, reports, papers, or documents pertaining to, United States government form DD214 or DD215 or any other certificate of discharge from military service to any person unless that person:

(1) provides proof of identity;

(2) demonstrates tangible interest; and

(3) completes the required release form prepared by the government entity.

(c) This section does not prohibit the release of forms DD214 and DD215 or other certificates of discharge from military service by an employee or official within a government entity to another employee or official within that government entity for purposes of performance of official duties.

(d) Forms DD214 and DD215 and certificates of discharge from military service filed with a government agency on or after January 1, 2004, are classified as private

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data on individuals under section 13.02, subdivision 12.

(e) Notwithstanding section 386.015, subdivision 5, no fee may be charged by a government entity for the release of information to a qualified person under this section.

(f) For purposes of paragraph (b), a person who has a tangible interest is:

(1) the subject of the record, report, paper, or document;

(2) the surviving spouse of the subject, if the subject is deceased;

(3) a surviving child of the subject, if the subject is deceased and there is no surviving spouse;

(4) a surviving parent of the subject, if the subject is deceased and there is no surviving spouse or surviving children; and

(5) a duly appointed guardian, an attorney in fact, or a duly authorized representative.

(g) For purposes of this section, the term "government entity" has the meaning given in section 13.02, subdivision 7a.

Sec. 3. Minnesota Statutes 2002, section 386.20, subdivision 1, is amended to read:

Subdivision 1. **RECORDATION.** (a) Certificates of discharge from the United States army, the United States navy, and the United States marine corps and releases or transfers from active duty therein may be recorded in the office of the county recorder of any county in this state by the person to whom such discharge, release or transfer was issued without the payment of any fee to the county recorder for recording the same. Upon the request of the person having such instrument recorded, the county recorder shall not stamp, mark, or make any endorsement upon any such certificate of discharge, release or transfer, but after the recording thereof has been completed the recorder shall return the certificate of discharge, release, or transfer in the condition received.

(b) In any county where the compensation of the county recorder consists of fees only, the county recorder shall be entitled to a fee of 60 cents for recording such instrument, which shall be paid by the county upon presentation of a verified claim by the county recorder.

(c) The release of any information pertaining to military certificates of discharge is governed by section 196.08.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective January 1, 2004.

Presented to the governor May 24, 2003

Signed by the governor May 28, 2003, 1:32 p.m.

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