

House Research Act Summary

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Overview

This bill provides certain protections to members of the Minnesota National Guard and other military reserve units who are ordered to active service. It extends to those Guard and reserve members who are called to "state active service" and to "federally funded state active service" the protections that are provided to military personnel ordered to "federal active service" under the federal Soldiers' and Sailors' Civil Relief Act of 1940. It also establishes certain rights for members of the Minnesota National Guard and other military reserve units who are students in post-secondary educational institutions at the time of being ordered to active service. The act's effective date is retroactive to September 11, 2001.

- 1 Extending federal protections to military personnel ordered to state active service and to federally funded state active service.** The federal Soldiers' and Sailors' Civil Relief Act of 1940 (as amended) provides certain protections for persons ordered to "federal active (military) service." This state act extends those federal protections to military personnel who are ordered to "state active service" or to "federally funded state active service."

The law's relief provisions apply to existing debts and obligations which are in effect when a person is ordered to active military service. However, the law has no effect on debt incurred during the time that the person is serving on active duty. For example, the Act would lower the person's home mortgage interest rate to six percent, and would prohibit foreclosure during and immediately following the person's active service, but only if the loan existed before the person was ordered to active duty. The Act also protects renters by prohibiting their eviction, and allows them to terminate their leases without penalty if doing so is in their own interest. It also exempts military personnel from personal property taxes if they are stationed in a state that is not their domicile, and it protects them against paying income taxes in both their home state and the state in which they are stationed. Although the Act does not protect service members from all civil actions, it does protect them from such things as repossession of property, bankruptcy, foreclosure, eviction and the like. There is no sunset on either the federal act or the state act.

Under M.S. § 190.05, "active service" includes:

- federal active service - e.g., to serve with the peacekeeping forces in foreign states (e.g.,(e.g., Bosnia, Kosovo, Korea, etc.); to serve in the U.S. in order to fill-in for regular military troops who were sent abroad; and so on;
- state active service - e.g., to serve within Minnesota to assist with natural disasters (e.g.,(e.g., floods and tornadoes), state worker strikes, and so on;
- federally funded state active service - to serve within Minnesota to assist with certain national emergency situations (e.g., providing airport security after the 9/11 terrorist strike).

For more information on the Soldiers' and Sailors' Civil Relief Act of 1940, contact:
www.defenselink.mil/specials/Relief_Act/.

2 Providing protection to National Guard members and reservists who are students. This section establishes a number of rights for any member of the Minnesota National Guard or other military reserve unit who is a student enrolled at any public or private post-secondary educational institution at the time that the person is ordered to state or federal active military service, including:

- with regard to courses in which the person is enrolled, the person may either:
 - i) withdraw with a full refund and no penalties;
 - ii) take an incomplete and be allowed to complete the course following release from active duty; or
 - iii) continue and complete the course for full credit, with excused absences for military duty;
- the right to a refund of amounts paid for room, board, and fees, prorated for the portion already used; and
- if the person chooses to withdraw from the post-secondary institution, the right to be readmitted and re-enrolled without penalty or redetermination of eligibility within one year of release from active service.

Instructions for invoking these protections are specified in paragraph (b).

3 Effective date. The act is retroactive to September 11, 2001.