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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2934

03/19/2012 Authored by Persell, Anzelc, Koenen, Kahn, Lesch and others
The bill was read for the first time and referred to the Committee on State Government Finance

1.1 A bill for an act
1.2 relating to appropriations; appropriating money for state government and
1.3 veterans affairs; providing for fund transfers; providing for various fees and
1.4 accounts; clarifying the military burial honors provision; modifying the GI
1.5 bill program; amending Minnesota Statutes 2010, sections 138.668; 197.231;
1.6 197.608, subdivisions 4, 5, 6; 197.791, subdivisions 1, 3, 4, 5, 6; Minnesota
1.7 Statutes 2011 Supplement, section 197.608, subdivision 3; repealing Minnesota
1.8 Statutes 2010, section 197.608, subdivision 2a.

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

1.10 **ARTICLE 1**

1.11 **STATE GOVERNMENT**

1.12 Section 1. Minnesota Statutes 2010, section 138.668, is amended to read:

1.13 **138.668 ADMISSION FEES.**

1.14 The Minnesota Historical Society may establish and collect reasonable fees for
1.15 admission to state-owned historic sites in the state historic site network in section 138.661
1.16 ~~for deposit in an account in the state treasury.~~ These fees shall be available to the society.

1.17 Sec. 2. **FUND TRANSFER; DEPARTMENT OF ADMINISTRATION.**

1.18 Subdivision 1. **Transfer of funds; plant management fund.** \$80,000 in fiscal year
1.19 2012 is transferred from the plant management fund to the general fund. The amount
1.20 represents proceeds from the sale of assets and other revenues related to resource recovery
1.21 activities. This is a onetime transfer.

1.22 Subd. 2. **Transfer of funds; special revenue fund.** \$6,512 in fiscal year 2012 is
1.23 transferred from the special revenue fund to the general fund. The amount represents

2.1 remaining funds in an account for a completed savings monitoring energy program. This
2.2 is a onetime transfer.

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

2.4 **ARTICLE 2**

2.5 **MILITARY AFFAIRS AND VETERANS AFFAIRS**

2.6 Section 1. **MILITARY AFFAIRS APPROPRIATIONS.**

2.7 The sums shown in the columns marked "Appropriations" are appropriated to the
2.8 agencies and for the purposes specified in this article. The appropriations are from the
2.9 general fund and are available for the fiscal years indicated for each purpose. The figures
2.10 "2012" and "2013" used in this article mean that the appropriations listed under them are
2.11 available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The
2.12 first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is
2.13 fiscal years 2012 and 2013.

2.14	<u>APPROPRIATIONS</u>
2.15	<u>Available for the Year</u>
2.16	<u>Ending June 30</u>
2.17	<u>2012</u> <u>2013</u>

2.18 Sec. 2. **VETERANS AFFAIRS**

2.19	<u>Subdivision 1. Total Appropriation</u>	\$	<u>-0-</u>	\$	<u>1,455,000</u>
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2.20 The amounts that may be spent for each
2.21 purpose are specified in the following
2.22 subdivisions.

2.23	<u>Subd. 2. Veterans Services</u>		<u>-0-</u>		<u>1,455,000</u>
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2.24 \$250,000 the second year is for a grant to the
2.25 Minnesota Assistance Council for Veterans.

2.26 \$100,000 the second year is for the costs
2.27 of administering the on-the-job training
2.28 and apprenticeship program portion of the
2.29 Minnesota GI Bill program under Minnesota
2.30 Statutes, section 197.791.

2.31 \$100,000 the second year is for compensation
2.32 for honor guards at the funerals of veterans

3.1 in accordance with the program under
 3.2 Minnesota Statutes, section 197.231.
 3.3 \$1,005,000 the second year is for the
 3.4 Veterans Service Office grant program under
 3.5 Minnesota Statutes, section 197.608.

3.6 Sec. 3. Minnesota Statutes 2010, section 197.231, is amended to read:

3.7 **197.231 HONOR GUARDS.**

3.8 The commissioner of veterans affairs shall pay, within available funds and upon
 3.9 request by a local unit of a congressionally chartered veterans organization or its auxiliary,
 3.10 up to \$50 to the local unit for each time that local unit provides an honor guard detail at the
 3.11 funeral of a deceased veteran that occurs in this state. The commissioner may give priority
 3.12 to local units that do not have charitable gambling operations. If the local unit provides a
 3.13 student to play "Taps," the local unit may pay some or all of the \$50 to the student.

3.14 Sec. 4. Minnesota Statutes 2011 Supplement, section 197.608, subdivision 3, is
 3.15 amended to read:

3.16 Subd. 3. **Eligibility.** (a) To be eligible for a grant under ~~this program~~ subdivision 6,
 3.17 a county must employ a county veterans service officer as authorized by sections 197.60
 3.18 and 197.606, who is certified to serve in this position by the commissioner.

3.19 (b) A county that employs a newly hired county veterans service officer who is
 3.20 serving an initial probationary period and who has not been certified by the commissioner
 3.21 is eligible to receive a grant under ~~subdivision 2a~~ this section.

3.22 ~~(c) Except for the situation described in paragraph (b), a county whose county~~
 3.23 ~~veterans service officer does not receive certification during any year of the three-year~~
 3.24 ~~cycle is not eligible to receive a grant during the remainder of that cycle or the next~~
 3.25 ~~three-year cycle.~~

3.26 (c) Except for the situation described in paragraph (b), a county veterans service
 3.27 officer who did not receive certification the previous year is not eligible to receive a grant.

3.28 Sec. 5. Minnesota Statutes 2010, section 197.608, subdivision 4, is amended to read:

3.29 Subd. 4. **Grant process.** (a) The commissioner shall determine the process for
 3.30 awarding grants. A grant may be used only for the purpose of enhancing the operations of
 3.31 the County Veterans Service Office.

3.32 (b) The commissioner shall provide a list of qualifying uses for grant expenditures
 3.33 as developed in subdivision 5 and shall approve a grant under subdivision 6 only for a

4.1 qualifying use and if there are sufficient funds remaining in the grant program to cover the
4.2 full amount of the grant.

4.3 (c) The commissioner is authorized to use any unexpended funding for this program
4.4 to provide training and education for county veterans service officers.

4.5 Sec. 6. Minnesota Statutes 2010, section 197.608, subdivision 5, is amended to read:

4.6 Subd. 5. **Qualifying uses.** The commissioner shall consult with the Minnesota
4.7 Association of County Veterans Service Officers in developing a list of qualifying uses for
4.8 grants awarded under ~~this program~~ subdivision 6.

4.9 ~~The commissioner is authorized to use any unexpended funding for this program to~~
4.10 ~~provide training and education for county veterans service officers.~~

4.11 Sec. 7. Minnesota Statutes 2010, section 197.608, subdivision 6, is amended to read:

4.12 Subd. 6. **Grant amount.** (a) Each county is eligible to receive an annual grant of
4.13 \$8,000 for any of the following purposes:

4.14 (1) to provide outreach to the county's veterans;

4.15 (2) to assist in the reintegration of combat veterans into society;

4.16 (3) to collaborate with other social service agencies, educational institutions, and
4.17 other community organizations for the purposes of enhancing services offered to veterans;

4.18 (4) to reduce homelessness among veterans; or

4.19 (5) to improve office operations.

4.20 (b) In addition to the grant amount in paragraph (a), each county is eligible to receive
4.21 an additional annual grant under this paragraph. The amount of each additional annual
4.22 grant must be determined by the commissioner and may not exceed:

4.23 (1) ~~\$1,400~~ \$0, if the county's veteran population is less than 1,000;

4.24 (2) ~~\$2,800~~ \$2,500, if the county's veteran population is 1,000 or more but less than
4.25 3,000;

4.26 (3) ~~\$4,200~~ \$5,000, if the county's veteran population is 3,000 or more but less ~~than~~
4.27 ~~10,000~~ than 4,999; ~~or~~

4.28 (4) ~~\$5,600~~ \$7,500, if the county's veteran population is ~~10,000~~ 5,000 or more; but
4.29 less than 9,999;

4.30 (5) \$10,000, if the county's veteran population is 10,000 or more but less than 19,999;

4.31 (6) \$15,000, if the county's veteran population is 20,000 or more but less than
4.32 29,999; or

4.33 (7) \$20,000, if the county's veteran population is 30,000 or more.

5.1 (c) The Minnesota Association of County Veteran Service Officers is eligible to
5.2 receive an annual grant of \$50,000. The grant shall be used for administrative costs of
5.3 the association, certification of mandated county veteran service officer training and
5.4 accreditation, and costs associated with reintegration services.

5.5 The veteran population of each county shall be determined by the figure supplied by
5.6 the United States Department of Veterans Affairs, as adopted by the commissioner.

5.7 Sec. 8. Minnesota Statutes 2010, section 197.791, subdivision 1, is amended to read:

5.8 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this
5.9 section.

5.10 (b) "Commissioner" means the commissioner of veterans affairs, unless otherwise
5.11 specified.

5.12 (c) "Cost of attendance" for undergraduate students has the meaning given in section
5.13 136A.121, subdivision 6, multiplied by a factor of 1.2. Cost of attendance for graduate
5.14 students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor
5.15 of 1.2, using the tuition and fee maximum established by law for four-year programs. For
5.16 purposes of calculating the cost of attendance for graduate students, full time is eight
5.17 credits or more per term or the equivalent.

5.18 (d) "Child" means a natural or adopted child of a person described in subdivision 4,
5.19 paragraph (a), clause (1), item (i) or (ii).

5.20 (e) "Eligible institution" means a postsecondary institution under section 136A.101,
5.21 subdivision 4, or a graduate school licensed or registered with the state of Minnesota
5.22 serving only graduate students.

5.23 (f) "Program" means the Minnesota GI Bill program established in this section,
5.24 unless otherwise specified.

5.25 (g) "Time of hostilities" means any action by the armed forces of the United States
5.26 that is recognized by the issuance of a presidential proclamation or a presidential executive
5.27 order in which the armed forces expeditionary medal or other campaign service medals
5.28 are awarded according to presidential executive order, and any additional period or place
5.29 that the commissioner determines and designates, after consultation with the United States
5.30 Department of Defense, to be a period or place where the United States is in a conflict that
5.31 places persons at such a risk that service in a foreign country during that period or in that
5.32 place should be considered to be included.

5.33 (h) "Veteran" has the meaning given in section 197.447. Veteran also includes
5.34 a service member who has received an honorable discharge ~~after leaving each period of~~
5.35 from federal active duty service and has:

6.1 (1) served 90 days or more of federal active duty in a foreign country during a time
6.2 of hostilities in that country; or

6.3 ~~(2) been awarded any of the following medals:~~

6.4 ~~(i) Armed Forces Expeditionary Medal;~~

6.5 ~~(ii) Kosovo Campaign Medal;~~

6.6 ~~(iii) Afghanistan Campaign Medal;~~

6.7 ~~(iv) Iraq Campaign Medal;~~

6.8 ~~(v) Global War on Terrorism Expeditionary Medal; or~~

6.9 ~~(vi) any other campaign medal authorized for service after September 11, 2001; or~~

6.10 ~~(3)~~ (2) received a service-related medical discharge from any period of service in a
6.11 foreign country during a time of hostilities in that country.

6.12 A service member who has fulfilled the requirements for being a veteran under this
6.13 paragraph but is still serving actively in the United States armed forces is also a veteran
6.14 for the purposes of this section.

6.15 (i) "On-the-job training program" means a program approved under United States
6.16 Code, title 38, chapter 36, section 3677.

6.17 (j) "Apprenticeship program" means an apprenticeship program approved by the
6.18 Division of Labor Standards and Apprenticeship in the Department of Labor and Industry
6.19 under chapter 178.

6.20 Sec. 9. Minnesota Statutes 2010, section 197.791, subdivision 3, is amended to read:

6.21 Subd. 3. **Duties; responsibilities.** (a) The commissioner shall establish policies
6.22 and procedures including, but not limited to, procedures for student application record
6.23 keeping, information sharing, payment of educational assistance benefits, and other
6.24 procedures the commissioner considers appropriate and necessary for effective and
6.25 efficient administration of the program established in this section.

6.26 (b) The commissioner may delegate part or all of the administrative procedures
6.27 for the program to responsible representatives of participating eligible institutions. The
6.28 commissioner may execute an interagency agreement with the Minnesota Office of
6.29 Higher Education, the Department of Employment and Economic Development, or the
6.30 Department of Labor and Industry for services the commissioner determines necessary to
6.31 administer the program.

6.32 Sec. 10. Minnesota Statutes 2010, section 197.791, subdivision 4, is amended to read:

6.33 Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under this
6.34 section if:

7.1 (1) the person is:

7.2 (i) a veteran who is serving or has served honorably in any branch or unit of the
7.3 United States armed forces at any time ~~on or after September 11, 2001~~;

7.4 (ii) a nonveteran who has served honorably for a total of five years or more
7.5 cumulatively as a member of the Minnesota National Guard or any other active or reserve
7.6 component of the United States armed forces, and any part of that service occurred on or
7.7 after September 11, 2001;

7.8 (iii) the surviving spouse or child of a person who has served in the military ~~at any~~
7.9 ~~time on or after September 11, 2001~~, and who has died as a direct result of that military
7.10 service, only if the surviving spouse or child is eligible to receive federal education
7.11 benefits under United States Code, title 38, chapter 33, as amended, or United States
7.12 Code, title 38, chapter 35, as amended; or

7.13 (iv) the spouse or child of a person who has served in the military at any time ~~on or~~
7.14 ~~after September 11, 2001~~, and who has a total and permanent service-connected disability
7.15 as rated by the United States Veterans Administration, only if the spouse or child is
7.16 eligible to receive federal education benefits under United States Code, title 38, chapter
7.17 33, as amended, or United States Code, title 38, chapter 35, as amended; and

7.18 (2) the person receiving the educational assistance is a Minnesota resident, as defined
7.19 in section 136A.101, subdivision 8², and meets the requirements under paragraph (b) or (c).

7.20 ~~(3)~~ (b) The person receiving the educational assistance:

7.21 ~~(i)~~ (1) is an undergraduate or graduate student at an eligible institution;

7.22 ~~(ii)~~ (2) is maintaining satisfactory academic progress as defined by the institution for
7.23 students participating in federal Title IV programs;

7.24 ~~(iii)~~ (3) is enrolled in an education program leading to a certificate, diploma, or
7.25 degree at an eligible institution;

7.26 ~~(iv)~~ (4) has applied for educational assistance under this section prior to the end of
7.27 the academic term for which the assistance is being requested;

7.28 ~~(v)~~ (5) is in compliance with child support payment requirements under section
7.29 136A.121, subdivision 2, clause (5); and

7.30 ~~(vi)~~ (6) has completed the Free Application for Federal Student Aid (FAFSA).

7.31 (c) The person receiving educational assistance is:

7.32 (1) participating in an on-the-job training program or in an apprenticeship program;

7.33 and

7.34 (2) maintaining satisfactory training progress as defined by the entity that is

7.35 conducting the on-the-job training program or apprenticeship program.

8.1 ~~(b)~~ (d) A person's eligibility terminates when the person becomes eligible for
8.2 benefits under section 135A.52.

8.3 ~~(e)~~ (e) To determine eligibility, the commissioner may require official documentation,
8.4 including the person's federal form DD-214 or other official military discharge papers;
8.5 correspondence from the United States Veterans Administration; birth certificate; marriage
8.6 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of
8.7 residency; proof of identity; or any other official documentation the commissioner
8.8 considers necessary to determine eligibility.

8.9 ~~(d)~~ (f) The commissioner may deny eligibility or terminate benefits under this section
8.10 to any person who has not provided sufficient documentation to determine eligibility for
8.11 the program. An applicant may appeal the commissioner's eligibility determination or
8.12 termination of benefits in writing to the commissioner at any time. The commissioner
8.13 must rule on any application or appeal within 30 days of receipt of all documentation that
8.14 the commissioner requires. The decision of the commissioner regarding an appeal is final.
8.15 However, an applicant whose appeal of an eligibility determination has been rejected by
8.16 the commissioner may submit an additional appeal of that determination in writing to the
8.17 commissioner at any time that the applicant is able to provide substantively significant
8.18 additional information regarding the applicant's eligibility for the program. An approval
8.19 of an applicant's eligibility by the commissioner following an appeal by the applicant is
8.20 not retroactively effective for more than one year or the semester of the person's original
8.21 application, whichever is later.

8.22 ~~(e)~~ (g) Upon receiving an application with insufficient documentation to determine
8.23 eligibility, the commissioner must notify the applicant within 30 days of receipt of the
8.24 application that the application is being suspended pending receipt by the commissioner of
8.25 sufficient documentation from the applicant to determine eligibility.

8.26 Sec. 11. Minnesota Statutes 2010, section 197.791, subdivision 5, is amended to read:

8.27 Subd. 5. **Benefit amount.** (a) On approval by the commissioner of eligibility for
8.28 the program, the applicant shall be awarded, on a funds-available basis, the educational
8.29 assistance under the program for use at any time for an on-the-job training program or an
8.30 apprenticeship program or according to program rules at any eligible institution.

8.31 (b) The amount of educational assistance in any semester or term for an eligible
8.32 person to use at an eligible institution must be determined by subtracting from the eligible
8.33 person's cost of attendance the amount the person received or was eligible to receive in
8.34 that semester or term from:

8.35 (1) the federal Pell Grant;

9.1 (2) the state grant program under section 136A.121; and

9.2 (3) any federal military or veterans educational benefits including but not limited
 9.3 to the Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program,
 9.4 vocational rehabilitation benefits, and any other federal benefits associated with the
 9.5 person's status as a veteran, except veterans disability payments from the United States
 9.6 Veterans Administration.

9.7 (c) The amount of educational assistance for any eligible person who is a full-time
 9.8 student at an eligible institution must not exceed the following:

9.9 (1) \$1,000 per semester or term of enrollment;

9.10 (2) \$3,000 per state fiscal year; and

9.11 (3) \$10,000 in a lifetime.

9.12 For a part-time student at an eligible institution, the amount of educational assistance must
 9.13 not exceed \$500 per semester or term of enrollment. For the purpose of this paragraph, a
 9.14 part-time undergraduate student is a student taking fewer than 12 credits or the equivalent
 9.15 for a semester or term of enrollment and a part-time graduate student is a student
 9.16 considered part time by the eligible institution the graduate student is attending. The
 9.17 minimum award for undergraduate and graduate students is \$50 per term.

9.18 (d) The amount of educational assistance for any eligible person who is participating
 9.19 in an on-the-job training program or an apprenticeship program must not exceed the
 9.20 following:

9.21 (1) \$1,500 per six months of training; or

9.22 (2) \$6,000 in a lifetime.

9.23 (e) The amount of educational assistance awarded to an eligible person under this
 9.24 subdivision must not exceed \$10,000 in the person's lifetime.

9.25 Sec. 12. Minnesota Statutes 2010, section 197.791, subdivision 6, is amended to read:

9.26 Subd. 6. **Appropriation.** The amount necessary to pay the benefit amounts in
 9.27 subdivision 5 is appropriated from the general fund to the commissioner. During any fiscal
 9.28 year beginning on or after July 1, ~~2013~~ 2011, the amount paid under this subdivision must
 9.29 not exceed \$6,000,000.

9.30 Sec. 13. **REPEALER.**

9.31 Minnesota Statutes 2010, section 197.608, subdivision 2a, is repealed.