

**SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION**

S.F. No. 3321

(SENATE AUTHORS: CARLSON)

DATE	D-PG	OFFICIAL STATUS
03/29/2016	5324	Introduction and first reading Referred to State and Local Government

A bill for an act

relating to military veterans; providing certain disclosure requirements related to veterans benefits services; requiring the commissioner of veterans affairs to develop a disclosure statement; amending Minnesota Statutes 2014, section 196.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Section 1. Minnesota Statutes 2014, section 196.05, subdivision 1, is amended to read:

Subdivision 1. **General duties.** The commissioner shall:

(1) act as the agent of a resident of the state having a claim against the United States for benefits arising out of or by reason of service in the armed forces and prosecute the claim without charge;

(2) act as custodian of veterans' bonus records;

(3) administer the laws relating to the providing of bronze flag holders at veterans' graves for memorial purposes;

(4) administer the laws relating to recreational or rest camps for veterans so far as applicable to state agencies;

(5) administer the state soldiers' assistance fund and veterans' relief fund and other funds appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation of veterans;

(6) cooperate with national, state, county, municipal, and private social agencies in securing to veterans and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;

2.1 (7) provide necessary assistance where other adequate aid is not available to the
 2.2 dependent family of a veteran while the veteran is hospitalized and after the veteran is
 2.3 released for as long a period as is necessary as determined by the commissioner;

2.4 (8) act as the guardian, conservator, or representative payee of the estate for a minor
 2.5 or an incompetent person receiving money from the United States government when
 2.6 requested to do so by an agency of the United States of America provided sufficient
 2.7 personnel are available;

2.8 (9) cooperate with United States governmental agencies providing compensation,
 2.9 pensions, insurance, or other benefits provided by federal law, by supplementing the
 2.10 benefits prescribed therein, when conditions in an individual case make it necessary;

2.11 (10) assist dependent family members of military personnel who are called from
 2.12 reserve status to extended federal active duty during a time of war or national emergency
 2.13 through the state soldiers' assistance fund provided by section 197.03;

2.14 (11) exercise other powers as may be authorized and necessary to carry out the
 2.15 provisions of this chapter and chapter 197, consistent with that chapter; ~~and~~

2.16 (12) provide information, referral, and counseling services to those veterans who
 2.17 may have suffered adverse health conditions as a result of possible exposure to chemical
 2.18 agents; and

2.19 (13) in coordination with the Minnesota Association of County Veterans Service
 2.20 Officers, develop a written disclosure statement for use by private providers of veterans
 2.21 benefits services as required under section 197.6091. At a minimum, the written disclosure
 2.22 statement shall include a signature line, contact information for the department, and a
 2.23 statement that veterans benefits services are offered at no cost by federally chartered
 2.24 veterans service organizations and by county veterans service officers.

2.25 **Sec. 2. [197.6091] VETERANS BENEFITS SERVICES; DISCLOSURE**
 2.26 **REQUIREMENTS.**

2.27 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
 2.28 have the meanings given.

2.29 (b)(1) "Advertising" or "advertisement" means any of the following:

2.30 (i) any written or printed communication made for the purpose of soliciting business
 2.31 for veterans benefits appeal services, including but not limited to a brochure, letter,
 2.32 pamphlet, newspaper, telephone listing, periodical, or other writing;

2.33 (ii) any directory listing caused or permitted by a person and made available by that
 2.34 person indicating that veterans benefits appeal services are being offered; or

3.1 (iii) any radio, television, computer network, or similar airwave or electronic
3.2 transmission that solicits business for or promotes a person offering veterans benefits
3.3 appeal services.

3.4 (2) "Advertising" or "advertisement" does not include any of the following:

3.5 (i) any printing or writing used on buildings, uniforms, or badges, where the purpose
3.6 of the writing is for identification;

3.7 (ii) any printing or writing in a memorandum or other communication used in the
3.8 ordinary course of business where the sole purpose of the writing is other than soliciting
3.9 business for veterans benefits appeal services.

3.10 (c) "Veterans benefits appeal services" means services that a veteran might
3.11 reasonably require in order to appeal a denial of federal or state veterans benefits,
3.12 including but not limited to denials of disability, limited income, home loan, insurance,
3.13 education and training, burial and memorial, and dependent and survivor benefits.

3.14 (d) "Veterans benefits services" means services that a veteran or a family member of
3.15 a veteran might reasonably use in order to obtain federal, state, or county veterans benefits.

3.16 (e) "Written disclosure statement" means the written disclosure statement developed
3.17 by the commissioner of veterans affairs pursuant to section 196.05, subdivision 1.

3.18 Subd. 2. **Advertising disclosure requirements.** A person advertising veterans
3.19 benefits appeal services must conspicuously disclose in the advertisement, in similar type
3.20 size or voice-over, that veterans benefits appeal services are also offered at no cost by
3.21 county veterans service officers under sections 197.603 and 197.604.

3.22 Subd. 3. **Veterans benefits services disclosure requirements.** A person who
3.23 provides veterans benefits services in exchange for compensation shall provide a written
3.24 disclosure statement to each client or prospective client. Before a person enters into such
3.25 an agreement to provide veterans benefits services or accepts money or any other thing of
3.26 value for the provision of veterans benefits services, the person must obtain the signature
3.27 of the client on a written disclosure statement containing an attestation by the client that
3.28 the client has read and understands the written disclosure statement.

3.29 Subd. 4. **Violations; penalties.** A person who fails to comply with this section
3.30 is subject to a civil penalty not to exceed \$1,000 for each violation. Civil penalties
3.31 shall be assessed by the district court in an action initiated by the attorney general. For
3.32 the purposes of computing the amount of each civil penalty, each day of a continuing
3.33 violation constitutes a separate violation. Additionally, the attorney general may accept
3.34 a civil penalty as determined by the attorney general in settlement of an investigation
3.35 of a violation of this section regardless of whether an action has been filed under this

4.1 section. Any civil penalty recovered shall be deposited in the Support Our Troops account
4.2 established under section 190.19.

4.3 Subd. 5. **Nonapplicability.** This section does not apply to the owner or personnel
4.4 of any medium in which an advertisement appears or through which an advertisement is
4.5 disseminated.