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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 591

01/26/2017 Authored by Rosenthal, Dettmer, Lee, Ecklund and Davids
The bill was read for the first time and referred to the Veterans Affairs Division

1.1 A bill for an act
1.2 relating to higher education; providing educational assistance to translators who
1.3 assisted United States troops; amending Minnesota Statutes 2016, section 197.791,
1.4 subdivisions 4, 5a.

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

1.6 Section 1. Minnesota Statutes 2016, section 197.791, subdivision 4, is amended to read:

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

1.9 (1) the person is:

1.10 (i) a veteran who is serving or has served honorably in any branch or unit of the United
1.11 States armed forces at any time;

1.12 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
1.13 as a member of the Minnesota National Guard or any other active or reserve component of
1.14 the United States armed forces, and any part of that service occurred on or after September
1.15 11, 2001;

1.16 (iii) the surviving spouse or child of a person who has served in the military and who
1.17 has died as a direct result of that military service, only if the surviving spouse or child is
1.18 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
1.19 as amended, or United States Code, title 38, chapter 35, as amended; or

1.20 (iv) the spouse or child of a person who has served in the military at any time and who
1.21 has a total and permanent service-connected disability as rated by the United States Veterans
1.22 Administration, only if the spouse or child is eligible to receive federal education benefits

2.1 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
2.2 chapter 35, as amended; and

2.3 (2) the person receiving the educational assistance is a Minnesota resident, as defined
2.4 in section 136A.101, subdivision 8; and

2.5 (3) the person receiving the educational assistance:

2.6 (i) is an undergraduate or graduate student at an eligible institution;

2.7 (ii) is maintaining satisfactory academic progress as defined by the institution for students
2.8 participating in federal Title IV programs;

2.9 (iii) is enrolled in an education program leading to a certificate, diploma, or degree at
2.10 an eligible institution;

2.11 (iv) has applied for educational assistance under this section prior to the end of the
2.12 academic term for which the assistance is being requested;

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

2.15 (vi) has completed the Free Application for Federal Student Aid (FAFSA).

2.16 (b) A person is eligible for educational assistance under this section if:

2.17 (1) the person:

2.18 (i) is a national of Iraq or Afghanistan who has a visa that permits the person to reside
2.19 in the United States and attend an eligible institution; or is a lawful permanent resident as
2.20 defined in United States Code, title 8, section 1101, or a naturalized United States citizen
2.21 who immigrated from Iraq or Afghanistan;

2.22 (ii) worked directly with United States armed forces as a translator for a period of at
2.23 least 12 months;

2.24 (iii) obtained a favorable written recommendation from a general or flag officer in the
2.25 chain of command of the United States armed forces unit that was supported by the person;

2.26 (iv) has cleared a background check and screening, as determined by a general or flag
2.27 officer in the chain of command of the United States armed forces unit that was supported
2.28 by the person; and

2.29 (v) resides in Minnesota; and

2.30 (2) the person receiving the educational assistance:

3.1 (i) is an undergraduate or graduate student at an eligible institution;

3.2 (ii) is maintaining satisfactory academic progress as defined by the institution for students
3.3 participating in federal Title IV programs;

3.4 (iii) is enrolled in an education program leading to a certificate, diploma, or degree at
3.5 an eligible institution;

3.6 (iv) has applied for educational assistance under this section prior to the end of the
3.7 academic term for which the assistance is being requested;

3.8 (v) is in compliance with child support payment requirements under section 136A.121,
3.9 subdivision 2, paragraph (a), clause (5); and

3.10 (vi) has completed the Free Application for Federal Student Aid (FAFSA).

3.11 (c) A person meets the eligibility requirements under paragraph (b), clause (1), if the
3.12 person has special immigrant status for serving as a translator with the United States armed
3.13 forces under Public Law 109-163, section 1059, and resides in Minnesota.

3.14 (d) A person's eligibility terminates when the person becomes eligible for benefits under
3.15 section 135A.52.

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

3.22 ~~(d)~~ (f) The commissioner may deny eligibility or terminate benefits under this section
3.23 to any person who has not provided sufficient documentation to determine eligibility for
3.24 the program. An applicant may appeal the commissioner's eligibility determination or
3.25 termination of benefits in writing to the commissioner at any time. The commissioner must
3.26 rule on any application or appeal within 30 days of receipt of all documentation that the
3.27 commissioner requires. The decision of the commissioner regarding an appeal is final.
3.28 However, an applicant whose appeal of an eligibility determination has been rejected by
3.29 the commissioner may submit an additional appeal of that determination in writing to the
3.30 commissioner at any time that the applicant is able to provide substantively significant
3.31 additional information regarding the applicant's eligibility for the program. An approval of
3.32 an applicant's eligibility by the commissioner following an appeal by the applicant is not

4.1 retroactively effective for more than one year or the semester of the person's original
4.2 application, whichever is later.

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

4.7 Sec. 2. Minnesota Statutes 2016, section 197.791, subdivision 5a, is amended to read:

4.8 Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in
4.9 consultation with the commissioners of employment and economic development and labor
4.10 and industry, shall develop and implement an apprenticeship and on-the-job training program
4.11 to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible
4.12 applicants, as provided in this subdivision.

4.13 (b) An "eligible employer" means an employer operating a qualifying apprenticeship or
4.14 on-the-job training program that has been approved by the commissioner.

4.15 (c) A person is eligible for apprenticeship and on-the-job training assistance under this
4.16 subdivision if the person meets the criteria established under subdivision 4, paragraphs (a),
4.17 clause (1), and ~~(e)~~ (e) to (g), or under subdivision 4, paragraphs (b), clause (1), and (e)
4.18 to (g). The amount of assistance paid to or on behalf of an eligible individual under this
4.19 subdivision must not exceed the following:

4.20 (1) \$2,000 per fiscal year for apprenticeship expenses;

4.21 (2) \$2,000 per fiscal year for on-the-job training;

4.22 (3) \$1,000 for a job placement credit payable to an eligible employer upon hiring a
4.23 person receiving assistance under this subdivision; and

4.24 (4) \$1,000 for a job placement credit payable to an eligible employer after a person
4.25 receiving assistance under this subdivision has been employed by the eligible employer for
4.26 at least 12 consecutive months as a full-time employee.

4.27 No more than \$3,000 in aggregate benefits under this paragraph may be paid to or on behalf
4.28 of an individual in one fiscal year, and not more than \$9,000 in aggregate benefits under
4.29 this paragraph may be paid to or on behalf of an individual over any period of time.

4.30 (d) Assistance for apprenticeship expenses and on-the-job training is available for
4.31 qualifying programs, which must, at a minimum, meet the following criteria:

4.32 (1) the training must be with an eligible employer;

5.1 (2) the training must be documented and reported;

5.2 (3) the training must reasonably be expected to lead to an entry-level position; and

5.3 (4) the position must require at least six months of training to become fully trained.

5.4 Sec. 3. **RULEMAKING.**

5.5 The commissioner of veterans affairs shall adopt rules to carry out the provisions of
5.6 sections 1 and 2.

5.7 Sec. 4. **EFFECTIVE DATE.**

5.8 Sections 1 and 2 are effective July 1, 2018. Section 3 is effective the day following final
5.9 enactment.