

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 4328

(SENATE AUTHORS: LANG)

DATE
03/28/2022

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Introduction and first reading
Referred to Veterans and Military Affairs Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to veterans affairs; modifying veterans bonus program provisions;

1.3 appropriating money; amending Minnesota Statutes 2020, section 197.79,

1.4 subdivisions 1, 2, 3, 5, 10.

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

1.6 Section 1. Minnesota Statutes 2020, section 197.79, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the

1.8 meanings given them.

1.9 (a) "Applicant" means a veteran or a veteran's guardian, conservator, or personal

1.10 representative or a beneficiary or a beneficiary's guardian, conservator, or personal

1.11 representative who has filed an application with the commissioner for a bonus under this

1.12 section.

1.13 (b) "Application" means a request for a bonus payment by a veteran, a veteran's

1.14 beneficiary, or a veteran's guardian, conservator, or personal representative through

1.15 submission of written information on a form designed by the commissioner for this purpose.

1.16 (c) "Beneficiary" means in relation to a deceased veteran and in the order named:

1.17 (1) the surviving spouse, if not remarried;

1.18 (2) the children of the veteran, if there is no surviving spouse or the surviving spouse

1.19 has remarried;

1.20 (3) the veteran's surviving parent or parents;

1.21 (4) the veteran's surviving sibling or siblings; or

2.1 (5) the veteran's estate.

2.2 (d) "Commissioner" means the commissioner of the Department of Veterans Affairs.

2.3 (e) "Department" means the Department of Veterans Affairs.

2.4 (f) "Eligibility period for the bonus" means the period from ~~August 2, 1990, to July 31,~~
2.5 ~~1991~~ September 11, 2001, to August 30, 2021.

2.6 (g) "Guardian" or "conservator" means the legally appointed representative of a minor
2.7 or incapacitated beneficiary or ~~incompetent~~ veteran, the chief officer of a hospital or
2.8 institution in which the ~~incompetent~~ incapacitated veteran is placed if the officer is authorized
2.9 to accept money for the benefit of the minor or ~~incompetent~~ incapacitated, the person
2.10 determined by the commissioner to be the person who is legally charged with the
2.11 responsibility for the care of the minor or incapacitated beneficiary or ~~incompetent~~ veteran,
2.12 or the person determined by the commissioner to be the person who has assumed the
2.13 responsibility for the care of the minor or incapacitated beneficiary or ~~incompetent~~ veteran.

2.14 (h) "Honorable service" means honorable federal service in the United States armed
2.15 forces, as evidenced by:

2.16 (1) an honorable discharge;

2.17 (2) a general discharge under honorable conditions;

2.18 (3) in the case of an officer, a certificate of honorable service; or

2.19 (4) in the case of an applicant who is currently serving in active duty in the United States
2.20 armed forces, a certificate from an appropriate service authority that the applicant's service
2.21 to date has been honorable.

2.22 (i) "Incapacitated person" means an individual who, for reasons other than being a minor,
2.23 lacks sufficient understanding or the capacity to make personal decisions and who is unable
2.24 to meet the individual's own personal needs for medical care, nutrition, clothing, shelter, or
2.25 safety even when assisted by appropriate technology or supported decision making.

2.26 ~~(j)~~ (j) "Resident veteran" means a veteran who served in active duty in the United States
2.27 armed forces at any time during the eligibility period for the bonus, and who also:

2.28 (1) has been separated or discharged from the United States armed forces, and ~~whose~~
2.29 ~~home of record at the time of entry into active duty in the United States armed forces, as~~
2.30 ~~indicated on the person's form DD-214 or other documents the commissioner may authorize,~~
2.31 is the state of Minnesota has lived in Minnesota for at least 30 days at the time of application
2.32 with the intention of residing in the state and not for any temporary purpose. An applicant

3.1 may verify a residence address by presenting a valid state driver's license, a state
 3.2 identification card, a voter registration card, a rent receipt, a statement by the landlord,
 3.3 apartment manager, or homeowner verifying that the individual is residing at the address,
 3.4 or other form of verification approved by the commissioner; or

3.5 (2) is currently serving in the United States armed forces, and has a certificate from an
 3.6 appropriate service authority stating that the person: (i) served in active duty in the United
 3.7 States armed forces at any time during the eligibility period for the bonus; and (ii) ~~had~~ has
 3.8 Minnesota listed as the veteran's home of record at the time of entry into active duty in the
 3.9 United States armed forces in the veteran's official military personnel file.

3.10 ~~(j)~~ (k) "Service connected" means caused by an injury or disease incurred or aggravated
 3.11 while on active duty, as determined by the United States Department of Veterans Affairs.

3.12 ~~(k)~~ (l) "Veteran" has the meaning given in section 197.447, and does not include a
 3.13 member of the National Guard or the reserve components of the United States armed forces
 3.14 ordered to active duty for the sole purpose of training. Veteran also includes:

3.15 ~~(4)~~ a person who is providing honorable service on active duty in the United States
 3.16 armed forces and has not been separated or discharged; ~~or,~~

3.17 ~~(2) a member of a reserve component of the armed forces of the United States, including~~
 3.18 ~~the National Guard, who was ordered to active duty under United States Code, title 10,~~
 3.19 ~~section 673b, during the eligibility period for the bonus and who was deployed to a duty~~
 3.20 ~~station outside the state of Minnesota, as verified by the appropriate service authority. An~~
 3.21 ~~applicant's DD-214 form showing eligibility for or award of the Southwest Asia service~~
 3.22 ~~medal during the eligibility period for the bonus will suffice as verification.~~

3.23 ~~"Veteran" does not include a member of the National Guard or the reserve components~~
 3.24 ~~of the United States armed forces ordered to active duty for the sole purpose of training.~~

3.25 Sec. 2. Minnesota Statutes 2020, section 197.79, subdivision 2, is amended to read:

3.26 Subd. 2. **Bonus amount.** (a) For a resident veteran who provided honorable service in
 3.27 the United States armed forces at any time during the eligibility period for the bonus, the
 3.28 bonus amount is:

3.29 (1) ~~\$300~~ \$600, if the veteran did not receive the ~~Southwest Asia service medal~~ Armed
 3.30 Forces Expeditionary Medal, Global War on Terrorism Expeditionary Medal, Iraq Campaign
 3.31 Medal, or Afghanistan Campaign Medal during the eligibility period for the bonus;

4.1 (2) ~~\$600~~ \$1200, if the veteran received the ~~Southwest Asia service medal~~ Armed Forces
 4.2 Expeditionary Medal, Global War on Terrorism Expeditionary Medal, Iraq Campaign Medal,
 4.3 or Afghanistan Campaign Medal during the eligibility period for the bonus; or

4.4 (3) \$2,000, if the veteran was eligible for the ~~Southwest Asia service medal~~ Armed
 4.5 Forces Expeditionary Medal, Global War on Terrorism Expeditionary Medal, Iraq Campaign
 4.6 Medal, or Afghanistan Campaign Medal during the eligibility period for the bonus, and
 4.7 died during that time period as a direct result of a service connected injury, disease, or
 4.8 condition.

4.9 (b) In the case of a deceased veteran, the commissioner shall pay the bonus to the veteran's
 4.10 beneficiary.

4.11 ~~(c) No payment may be made to a veteran or beneficiary who has received a similar~~
 4.12 ~~bonus payment from another state.~~

4.13 Sec. 3. Minnesota Statutes 2020, section 197.79, subdivision 3, is amended to read:

4.14 Subd. 3. **Application process.** A veteran, or the beneficiary of a veteran, entitled to a
 4.15 bonus may make application for a bonus to the department ~~on a form~~ as prescribed by the
 4.16 commissioner and verified by the applicant. If the veteran is ~~incompetent~~ incapacitated or
 4.17 the veteran's beneficiary is a minor or ~~incompetent~~ incapacitated, the application must be
 4.18 made by the person's guardian or conservator. An application must be accompanied by
 4.19 evidence of residency, honorable service, active duty service during the eligibility period
 4.20 for the bonus, and any other information the commissioner requires. The applicant must
 4.21 indicate on the application form the bonus amount for which the applicant expects to be
 4.22 eligible.

4.23 If the information provided in the application is incomplete, the department must notify
 4.24 the applicant in writing of that fact and must identify the items of information needed to
 4.25 make a determination. After notifying an applicant that the person's application is incomplete,
 4.26 the department shall hold the application open for up to 120 days while awaiting further
 4.27 information from the applicant, and the applicant may submit that information within the
 4.28 120-day period without filing an appeal and request for review.

4.29 Sec. 4. Minnesota Statutes 2020, section 197.79, subdivision 5, is amended to read:

4.30 Subd. 5. **Notices.** Notices and correspondence to an applicant must be directed to the
 4.31 applicant by mail at the address listed in the application or electronically. Notices and

5.1 correspondence to the commissioner must be addressed to the commissioner's office ~~in St.~~
5.2 ~~Paul~~ or the designated department system.

5.3 Sec. 5. Minnesota Statutes 2020, section 197.79, subdivision 10, is amended to read:

5.4 Subd. 10. **Deadline for applications.** The application period for the bonus program
5.5 established in this section shall be ~~November 1, 1997, to June 30, 2001~~ July 1, 2022, to
5.6 June 30, 2024. The department may not receive or accept new applications after June 30,
5.7 ~~2001~~ 2024.

5.8 Sec. 6. **APPROPRIATION.**

5.9 \$40,000,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
5.10 of veterans affairs to provide service bonuses to Post-9/11 Veterans and Gold Star Families
5.11 under Minnesota Statutes, section 197.79.