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State of Minnesota

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 75

07/14/2020 Authored by Ecklund and Bernardy
The bill was read for the first time and referred to the Veterans and Military Affairs Finance and Policy Division

1.1 A bill for an act
1.2 relating to veterans; making technical changes to the GI Bill; amending Minnesota
1.3 Statutes 2018, section 197.791, subdivisions 4, 5, 5a, 5b.

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

1.5 Section 1. Minnesota Statutes 2018, section 197.791, subdivision 4, is amended to read:

1.6 Subd. 4. Eligibility. (a) A person is eligible for educational assistance under subdivisions
1.7 subdivision 5 and 5a if:

1.8 (1) the person is:

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

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

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

1.19 (iv) the spouse or child of a person who has served in the military at any time and who
1.20 has a total and permanent service-connected disability as rated by the United States Veterans
1.21 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's eligibility terminates when the person becomes eligible for benefits under
2.17 section 135A.52.

2.18 (c) To determine eligibility, the commissioner may require official documentation,
2.19 including the person's federal form DD-214 or other official military discharge papers;
2.20 correspondence from the United States Veterans Administration; birth certificate; marriage
2.21 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency;
2.22 proof of identity; or any other official documentation the commissioner considers necessary
2.23 to determine eligibility.

2.24 (d) The commissioner may deny eligibility or terminate benefits under this section to
2.25 any person who has not provided sufficient documentation to determine eligibility for the
2.26 program. An applicant may appeal the commissioner's eligibility determination or termination
2.27 of benefits in writing to the commissioner at any time. The commissioner must rule on any
2.28 application or appeal within 30 days of receipt of all documentation that the commissioner
2.29 requires. The decision of the commissioner regarding an appeal is final. However, an
2.30 applicant whose appeal of an eligibility determination has been rejected by the commissioner
2.31 may submit an additional appeal of that determination in writing to the commissioner at
2.32 any time that the applicant is able to provide substantively significant additional information

3.1 regarding the applicant's eligibility for the program. An approval of an applicant's eligibility
3.2 by the commissioner following an appeal by the applicant is not retroactively effective for
3.3 more than one year or the semester of the person's original application, whichever is later.

3.4 (e) Upon receiving an application with insufficient documentation to determine eligibility,
3.5 the commissioner must notify the applicant within 30 days of receipt of the application that
3.6 the application is being suspended pending receipt by the commissioner of sufficient
3.7 documentation from the applicant to determine eligibility.

3.8 Sec. 2. Minnesota Statutes 2018, section 197.791, subdivision 5, is amended to read:

3.9 Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of
3.10 eligibility for the program, the applicant shall be awarded, on a funds-available basis, the
3.11 educational assistance under the program for use at any time according to program rules at
3.12 any eligible institution.

3.13 (b) The amount of educational assistance in any semester or term for an eligible person
3.14 must be determined by subtracting from the eligible person's cost of attendance the amount
3.15 the person received or was eligible to receive in that semester or term from:

3.16 (1) the federal Pell Grant;

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

3.18 (3) any federal military or veterans educational benefits including but not limited to the
3.19 Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational
3.20 rehabilitation benefits, and any other federal benefits associated with the person's status as
3.21 a veteran, except veterans disability payments from the United States Department of Veterans
3.22 ~~Administration and payments made under the Veterans Retraining Assistance Program~~
3.23 ~~(VRAP)~~ Affairs.

3.24 (c) The amount of educational assistance for any eligible person who is a full-time
3.25 student must not exceed the following:

3.26 (1) \$3,000 per state fiscal year; and

3.27 (2) \$10,000 in a lifetime.

3.28 (d) For a part-time student, the amount of educational assistance must not exceed \$500
3.29 per semester or term of enrollment. For the purpose of this paragraph, a part-time
3.30 undergraduate student is a student taking fewer than 12 credits or the equivalent for a
3.31 semester or term of enrollment and a part-time graduate student is a student considered part

4.1 time by the eligible institution the graduate student is attending. The minimum award for
 4.2 undergraduate and graduate students is \$50 per term.

4.3 Sec. 3. Minnesota Statutes 2018, section 197.791, subdivision 5a, is amended to read:

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

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

4.11 ~~(c) A person is eligible for apprenticeship and on-the-job training assistance under this~~
 4.12 ~~subdivision if the person meets the criteria established under subdivision 4, paragraph (a).~~
 4.13 ~~The commissioner may determine eligibility as provided in subdivision 4, paragraph (c),~~
 4.14 ~~and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and~~
 4.15 ~~(e). The amount of assistance paid to or on behalf of an eligible individual under this~~
 4.16 ~~subdivision must not exceed the following:~~

4.17 (c) A person is eligible for apprenticeship and on-the-job training assistance under this
 4.18 subdivision if the person is:

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

4.21 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
 4.22 as a member of the Minnesota National Guard or any other active or reserve component of
 4.23 the United States armed forces, and any part of that service occurred on or after September
 4.24 11, 2001;

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

4.29 (iv) the spouse or child of a person who has served in the military at any time and who
 4.30 has a total and permanent service-connected disability as rated by the United States Veterans
 4.31 Administration, only if the spouse or child is eligible to receive federal education benefits
 4.32 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
 4.33 chapter 35.

5.1 (d) The amount of assistance paid to or on behalf of an eligible individual under this
 5.2 subdivision must not exceed the following:

5.3 (1) \$3,000 per fiscal year for apprenticeship expenses;

5.4 (2) \$3,000 per fiscal year for on-the-job training;

5.5 (3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and
 5.6 completion of six consecutive months' employment of a person receiving assistance under
 5.7 this subdivision; and

5.8 (4) \$1,000 for a job placement credit payable to an eligible employer after a person
 5.9 receiving assistance under this subdivision has been employed by the eligible employer for
 5.10 at least 12 consecutive months as a full-time employee.

5.11 (e) No more than \$5,000 in aggregate benefits under this paragraph subdivision may be
 5.12 paid to or on behalf of an individual in one fiscal year, and not more than \$10,000 in
 5.13 aggregate benefits under this paragraph may be paid to or on behalf of an individual over
 5.14 any period of time.

5.15 (f) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's
 5.16 aggregate benefits under this subdivision, subdivisions 5, and 5b, must not exceed \$10,000
 5.17 in the eligible person's lifetime.

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

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

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

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

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

5.24 Sec. 4. Minnesota Statutes 2018, section 197.791, subdivision 5b, is amended to read:

5.25 Subd. 5b. **Additional professional or educational benefits.** (a) The commissioner shall
 5.26 develop and implement a program to administer a portion of the Minnesota GI Bill program
 5.27 to pay additional benefit amounts to eligible persons as provided under this subdivision.

5.28 ~~(b) A person is eligible for additional benefits under this subdivision if the person meets~~
 5.29 ~~the criteria established under subdivision 4, paragraph (a), clause (1). The commissioner~~
 5.30 ~~may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or~~
 5.31 ~~terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount~~

6.1 ~~of assistance paid to or on behalf of an eligible individual under this subdivision must not~~
 6.2 ~~exceed the following amounts:~~

6.3 (b) A person is eligible for additional benefits under this subdivision if the person is:

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

6.6 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
 6.7 as a member of the Minnesota National Guard or any other active or reserve component of
 6.8 the United States armed forces, and any part of that service occurred on or after September
 6.9 11, 2001;

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

6.14 (iv) the spouse or child of a person who has served in the military at any time and who
 6.15 has a total and permanent service-connected disability as rated by the United States Veterans
 6.16 Administration, only if the spouse or child is eligible to receive federal education benefits
 6.17 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
 6.18 chapter 35.

6.19 (c) The amount of assistance paid to or on behalf of an eligible individual under this
 6.20 subdivision must not exceed the following amounts:

6.21 (1) \$3,000 per state fiscal year; and

6.22 (2) \$10,000 in a lifetime.

6.23 (d) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's
 6.24 aggregate benefits under this subdivision, subdivisions 5, and 5a, must not exceed \$10,000
 6.25 in the eligible person's lifetime.

6.26 ~~(e)~~ (e) A person eligible under this subdivision may use the benefit amounts for the
 6.27 following purposes:

6.28 (1) licensing or certification tests, the successful completion of which demonstrates an
 6.29 individual's possession of the knowledge or skill required to enter into, maintain, or advance
 6.30 in employment in a predetermined and identified vocation or profession, provided that the
 6.31 tests and the licensing or credentialing organizations or entities that offer the tests are
 6.32 approved by the commissioner;

- 7.1 (2) tests for admission to institutions of higher learning or graduate schools;
- 7.2 (3) national tests providing an opportunity for course credit at institutions of higher
- 7.3 learning;
- 7.4 (4) a preparatory course for a test that is required or used for admission to an institution
- 7.5 of higher education or a graduate program; and
- 7.6 (5) any fee associated with the pursuit of a professional or educational objective specified
- 7.7 in clauses (1) to (4).

7.8 ~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's~~
 7.9 ~~aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the~~
 7.10 ~~eligible person's lifetime.~~

7.11 ~~(e) If an eligible person receives benefits under subdivision 5a, the eligible person's~~
 7.12 ~~aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in~~
 7.13 ~~the eligible person's lifetime.~~

7.14 Sec. 5. REVISOR INSTRUCTION.

7.15 The revisor of statutes must renumber the provisions of Minnesota Statutes listed in
 7.16 column A to the references listed in column B. The revisor must also make necessary
 7.17 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
 7.18 renumbering.

<u>Column A</u>	<u>Column B</u>
7.19 <u>197.791, subdivision 5a</u>	<u>197.791, subdivision 6</u>
7.20 <u>197.791, subdivision 5b</u>	<u>197.791, subdivision 7</u>
7.21 <u>197.791, subdivision 6</u>	<u>197.791, subdivision 8</u>