

HOUSE RESEARCH

Bill Summary

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Overview

This bill would clarify that the recently enacted exemption from transit user fees for service-connected disabled veterans applies irrespective of the level of a veterans service-connected disability.

As a practical matter, this bill would conform statutes to current practice, since transit providers reputedly have implemented the fee exemption law by providing free transit service to veterans *at any level* of service-connected disability, not just for those at the 100 percent total and permanent level (since there is no practical way for transit workers to quickly discern a veteran's specific VA disability rating level).

Background:

It is the U.S. Department of Veterans Affairs (USVA) that determines whether and to what degree a veteran's disability is *service-connected*.

For example, a veteran who loses a limb as a direct result of his or her military service is typically determined by the USVA as having a 60 percent service-connected disability, leaving the veteran 40 percent able-bodied. However, if that veteran has lost two limbs as a direct result of the person's military service, the loss of the second limb is also assumed to be a 60 percent disability, where 60 percent multiplied by the 40 percent remaining able-bodiedness equals 24 percent, which rounded to the nearest ten percent equals 20 percent. When that 20 percent is then added to the initial 60 percent for the first missing limb, the veteran who has lost two limbs as direct result of military service is determined by the USVA to have a service-connected disability rating of 80 percent.

The USVA rates only service-connected disabilities. It does not provide a rating of any disability that is not the direct result of the person's military service (in the U.S. Armed Forces, and not in any other nation's military).

The USVA rates service-connected disabilities in increments of ten percent (zero percent, ten percent, 20 percent, . . . 100 percent). A rating of zero percent can be assigned when a person's service-connected disability is temporarily of no

hindrance to the person's ability to function at work and otherwise (e.g., for a documented military-related back-injury that is currently in remission). Most service-connected disability ratings are *temporary ratings* that can change (be re-rated higher or lower) over time. For example, a service member who has a massive heart attack while performing military service and who, while recuperating is prohibited by doctor's orders from working, might be rated as being (*temporarily*) *100 percent service-connected disabled*. However, as that person recovers and is deemed able to work part-time, that disability rating might be decreased in increments to, say, 70 percent, 50 percent, 30 percent, and so on. However, sometimes the USVA determines that a 100 percent disability is *permanent*. In that situation, the agency rates that service-connected disability as being *100 percent total and permanent* (i.e., as *100 percent T&P*), whereby the rating stays in force during the remainder of the person's life, without further review.

It would be essentially impossible to implement a benefit, such as the current transit fee exemption, to apply only to veterans with a 100 percent total and permanent service-connected disability rating. To show proof of eligibility, a qualified veteran would need to get an individualized letter to that effect from the USVA and carry it with him continuously, in order to be prepared to show it to the transit operator each and every time he or she rides the transit vehicle, and the operator would need to make time to read such letter.

Instead, the USVA has recently begun to issue its veteran ID cards with a clear lettering shown under the person's photo indicating whether the veteran has *any degree of service-connected disability*, but not showing the exact rating, not even for a rating of *100 percent total and permanent*. Under the bill, such ID card showing the words *service-connected* will suffice for the transit fee exemption. This will not change current practice, since transit operators have been honoring such USVA ID cards in this manner since inception of the program in 2009, as the only practical way of implementing the enactment.