

Subject Veterans and Military Affairs Omnibus Bill

Authors Ecklund

Analyst Jeff Diebel

Date April 3, 2019

## Overview

This is the Veterans and Military Affairs Omnibus bill.

## Article 1: Appropriations

This article contains appropriations to the Department of Military Affairs and the Department of Veterans Affairs.

Section	Description
1	<b>Appropriations.</b> Provides general guidance on the appropriations in sections 2 and 3.
2	<b>Military affairs.</b> <b>Subd. 1. Total appropriation.</b> Appropriates \$23,872,000 each year to the Department of Military Affairs. <b>Subd. 2. Maintenance of training facilities.</b> Appropriates \$9,701,000 each year to maintain training facilities. <b>Subd. 3. General support.</b> Appropriates \$3,182,000 each year for general support including \$58,000 each year for reintegration activities. <b>Subd. 4. Enlistment incentives.</b> Appropriates \$10,989,000 each year for enlistment incentives.
3	<b>Veterans affairs.</b> <b>Subd. 1. Total appropiation.</b> Appropriates \$76,671,000 in the first year and \$76,644,000 in the second year to the Department of Veterans Affairs. <b>Subd. 2. Veterans programs and services.</b> Appropriates \$18,380,000 the first year and \$18,353,000 the second year for the following veterans programs and services: <ul style="list-style-type: none"><li>▪ Counseling and Case Management Outreach Referral and Education (CORE)—\$750,000 each year;</li></ul>

Section	Description
	<ul style="list-style-type: none"><li>▪ veterans service organizations—\$353,000 each year;</li><li>▪ Minnesota Assistance Council for Veterans (MACV) —\$750,000 each year;</li><li>▪ state's veterans cemeteries—\$1,647,000 the first year and \$1,672,000 the second year;</li><li>▪ honor guards—\$200,000 each year;</li><li>▪ MN GI Bill—\$200,000 each year;</li><li>▪ Gold Star Program—\$100,000 each year;</li><li>▪ County Veterans Service Offices—\$1,100,000 each year;</li><li>▪ Armed Forces Service Center—\$100,000 the first year [H.F. 143];</li><li>▪ veterans justice grant—\$200,000 each year [H.F. 430]; and</li><li>▪ Medal of Honor Memorial—\$150,000 in the first year [H.F. 1773].</li></ul>
	<b>Subd. 3. Veterans health care.</b> Appropriates \$58,291,000 each year to veterans health care.

4	<b>Memorial commemorating recipients of the medal of honor.</b> Modifies the 2016 session law that called for the construction of a Minnesota Medal of Honor Memorial by removing the restriction on the use of funds in the Medal of Honor Memorial account. This is tied to the appropriation in section 3, subdivision 3, paragraph (k). [H.F. 1773]
---	--

## Article 2: Policy

This article contains changes to statutes that relate to military and veterans affairs.

Section	Description
1	<b>Publicity representatives.</b> Authorizes the Department of Veterans Affairs to use funds to pay a publicity representative. [H.F. 1958]
2	<b>General duties.</b> Clarifies that the commissioner of veterans affairs has the authority to exercise the powers necessary to implement chapters 196 (Department of Veterans Affairs), 197 (service member benefits), and 198 (veterans homes). [H.F. 1959]
3	<b>Records; data privacy.</b> This section (and section 5) authorizes a county veterans service officer and county assessor to exchange information regarding the eligibility of a veteran currently receiving a property tax benefit under the disabled veterans homestead exclusion. In 2017, the legislature eliminated the annual application requirement for the exclusion, and instead

Section	Description
	required the county veterans service officer to certify the disability status of current beneficiaries each year to the county assessor, to make the eligibility determination. However, without explicit authorization to allow the sharing of private data, the 2017 provision can only be administered if a veteran consents to the release of their private data. This section and section 5 would allow the information exchange required to administer the new provision without obtaining a release from the beneficiary of the exclusion.
	This section allows the county veterans service officer to disclose private data to the county assessor, to determine eligibility for the disabled veterans homestead exclusion.
	<b>[H.F. 203]</b>
4	<b>Definitions.</b> Revises the definition of “veteran” for purposes of Minnesota GI Bill benefits eligibility. The bill brings the definition of veteran in section 197.791 in line with the general statutory definition of veteran in section 197.447. The changes are technical and do not expand or restrict the category of current and former service members who are eligible for MN GI Bill benefits. (The stricken language became unnecessary when the state, in 2009, expanded eligibility to the MN GI Bill beyond just post-9/11 veterans.) <b>[H.F. 889]</b>
5	<b>Disclosure.</b> Allows the county assessor to disclose private data to the county veterans service officer, to determine eligibility for the disabled veterans homestead exclusion. <b>[H.F. 203]</b>
6	<b>Military veteran offenders restorative justice sentence.</b> <b>Subd. 1. Offenses as a result of military service; presentence supervision procedures.</b> (a) Requires sentencing courts to determine if a defendant is a current or past service member and suffering from trauma or mental health issues if the defendant: (1) is charged with a severity level 7 or lower offense; and (2) claims the offense was committed due to a service connected sexual trauma, traumatic brain injury, PTSD, substance abuse or mental health condition.  (b) Requires defendants who request a restorative justice sentence to provide clear and convincing evidence of their service-connected trauma to the court and prosecutor.  (c) Requires a court to place an offender who meets the criteria established in paragraph (a) and who pleads guilty to the offense on probation while staying adjudication of the case.  (d) Permits the court to proceed with adjudication if the veteran violates the terms of the veteran’s probation.

Section	Description
	(e) Encourages the court to require the veteran to attend a treatment program.
	(f) Grants the veteran sentence credits for time spent in residential treatment.
	(g) Provides guidance to the court in selecting a treatment program for the veteran.
	(h) Directs the court and treatment program to collaborate with veteran service officers and the U.S. Department of Veterans Affairs.
	(i) Provides guidance on how veterans sentenced under this section should be treated in Veterans Court.

**Subd. 2. Restorative justice for military veterans; dismissal of charges.**

Establishes guidelines for discharging a veteran sentenced under subdivision 1 and restoring the veteran to the “community of law abiding citizens.” The records of a case discharged under this subdivision are “not public” and may only be opened in a limited number of circumstances. Prohibits the dismissal of a case that requires predatory offender registration.

**Subd. 3. Optional veterans treatment court program; procedures for eligible defendants.** Authorizes veterans treatment court programs to supervise veterans placed on probation under this section. Defines “veterans treatment court program.”

**Subd. 4. Creation of county and city diversion programs; authorization.**

Authorizes counties and cities to establish and operate veterans pretrial diversion programs for eligible veterans.

**Effective date.** August 1, 2019. [H.F. 998]



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155