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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **4334**

- 02/28/2024 Authored by Olson, B., and Newton  
The bill was read for the first time and referred to the Committee on Veterans and Military Affairs Finance and Policy
- 03/20/2024 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time
- 04/04/2024 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to veterans; modifying veteran's preference provisions; prohibiting state

1.3 benefits when certain veterans and former service members forfeit federal benefits;

1.4 modifying oversight of veterans home administrators; requiring planning for a

1.5 new state veterans cemetery; amending Minnesota Statutes 2022, sections 43A.11;

1.6 197.455, subdivisions 2, 6; 197.4551; 198.005; Laws 2010, chapter 333, article 2,

1.7 section 23, as amended; proposing coding for new law in Minnesota Statutes,

1.8 chapter 197.

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

1.10 Section 1. Minnesota Statutes 2022, section 43A.11, is amended to read:

1.11 **43A.11 VETERAN'S PREFERENCE.**

1.12 Subdivision 1. **Creation.** Recognizing that training and experience in the military services

1.13 of the government and loyalty and sacrifice for the government are qualifications of merit

1.14 which cannot be readily assessed by examination, a veteran's preference shall be available

1.15 pursuant to this section to ~~a veteran as defined in section 197.447~~ veterans.

1.16 Subd. 5. ~~Disabled veteran;~~ **Definitions.** (a) For purposes of this section, "veteran"

1.17 means:

1.18 (1) a person who satisfies the definition in section 197.447; or

1.19 (2) a person in active military service in any branch of the armed services when the

1.20 appointing authority anticipates the person will, prior to appointment, satisfy the definition

1.21 in section 197.447, as evidenced by a written document from the person's branch certifying

1.22 that the person is expected to be discharged or released from active military service under

1.23 honorable conditions no later than 120 days after the date the certification is submitted for

1.24 consideration in the selection process.

2.1 (b) For the purpose of the preference to be used in securing appointment from an applicant  
2.2 pool, "disabled veteran" means a person who:

2.3 (1) has a compensable service connected disability as adjudicated by the United States  
2.4 Veterans Administration, or by the retirement board of one of the several branches of the  
2.5 armed forces, which disability is existing at the time preference is claimed; or

2.6 (2) satisfies the definition of veteran in paragraph (a), clause (2), and establishes the  
2.7 present existence of a service-connected disability.

2.8 Subd. 6. **Preference for spouses.** A preference available pursuant to this section may  
2.9 be used by the surviving spouse of a deceased veteran and by the spouse of a disabled  
2.10 veteran who because of the disability is unable to qualify.

2.11 Subd. 7. **Ranking of veterans.** (a) Applicants who meet the minimum qualifications  
2.12 for a vacant position and claim disabled veteran's preference shall be listed in the applicant  
2.13 pool ahead of all other applicants. Applicants who meet the minimum qualifications for a  
2.14 vacant position and claim nondisabled veteran's preference shall be listed in the applicant  
2.15 pool after those claiming disabled veteran's preference and ahead of nonveterans. Each  
2.16 recently separated veteran who meets minimum qualifications for a vacant position and has  
2.17 claimed a veterans or disabled veterans preference must be considered for the position. The  
2.18 top five recently separated veterans must be granted an interview for the position by the  
2.19 hiring authority.

2.20 (b) For purposes of this section, the term "recently separated veteran" means:

2.21 (1) a veteran, as defined in ~~section 197.447~~ subdivision 5, paragraph (a), clause (1), who  
2.22 has served in active military service, at any time on or after September 11, 2001, and who  
2.23 has been honorably discharged from active service, as shown by the person's form DD-214;  
2.24 or

2.25 (2) a veteran, as defined in subdivision 5, paragraph (a), clause (2).

2.26 Subd. 8. **Notification.** The commissioner or an appointing authority, when notifying  
2.27 applicants that they have been accepted into the state's selection process, shall notify  
2.28 applicants that they may elect to use veteran's preference.

2.29 Subd. 9. **Rejection; explanation.** If the appointing authority rejects a member of the  
2.30 finalist pool who has claimed veteran's preference, the appointing authority shall notify the  
2.31 finalist in writing of the reasons for the rejection.

2.32 Subd. 10. **Verification required.** Before appointing a person who received veteran's  
2.33 preference in the selection process under subdivision 5, paragraph (a), clause (2), or

3.1 subdivision 7, paragraph (b), clause (2), the appointing authority must verify that the person  
3.2 has been separated under honorable conditions, as shown by the person's form DD-214,  
3.3 and has otherwise satisfied the definition of veteran under section 197.447.

3.4 Sec. 2. [197.08] FORFEITURE OF BENEFITS.

3.5 Any veteran as defined by section 197.447, any veteran's spouse or dependent, any  
3.6 former service member of the armed forces, or any former service member's spouse or  
3.7 dependent shall not qualify for state-funded benefits, services, or programs under this  
3.8 chapter, chapter 196, or chapter 198 if the veteran or former service member was determined  
3.9 by the United States Department of Veterans Affairs to have forfeited the veteran's or service  
3.10 member's entitlement to federal benefits according to United States Code, title 38, chapter  
3.11 61.

3.12 Sec. 3. Minnesota Statutes 2022, section 197.455, subdivision 2, is amended to read:

3.13 Subd. 2. **Creation.** Recognizing that training and experience in the military services of  
3.14 the government and loyalty and sacrifice for the government are qualifications of merit  
3.15 which cannot be readily assessed by examination, a veteran's preference shall be available  
3.16 to a veteran as defined in section ~~197.447~~ 43A.11, subdivision 5, paragraph (a).

3.17 Sec. 4. Minnesota Statutes 2022, section 197.455, subdivision 6, is amended to read:

3.18 Subd. 6. **Disabled veteran; definitions.** For the purpose of the preference to be used in  
3.19 securing appointment from a competitive open examination, "disabled veteran" ~~means a~~  
3.20 ~~person who has a compensable service-connected disability as adjudicated by the United~~  
3.21 ~~States Veterans Administration, or by the retirement board of one of the several branches~~  
3.22 ~~of the armed forces, which disability is existing at the time preference is claimed~~ has the  
3.23 meaning given in section 43A.11, subdivision 5, paragraph (b). For purposes of the preference  
3.24 to be used in securing appointment from a competitive promotional examination, "disabled  
3.25 veteran" means a person who, at the time of election to use a promotional preference, is  
3.26 entitled to disability compensation under laws administered by the Veterans Administration  
3.27 for a permanent service-connected disability rated at 50 percent or more.

4.1 Sec. 5. Minnesota Statutes 2022, section 197.4551, is amended to read:

4.2 **197.4551 PERMISSIVE PREFERENCE FOR VETERANS IN PRIVATE**  
4.3 **EMPLOYMENT.**

4.4 Subdivision 1. **Preference permitted.** A private, nonpublic employer may grant  
4.5 preference to a veteran in hiring and promotion. For purposes of hiring under this section,  
4.6 "veteran" has the meaning given in section 43A.11, subdivision 5, paragraph (a).

4.7 Subd. 2. **Preference for spouse of disabled or deceased veteran; definition.** A private,  
4.8 nonpublic employer may grant preference in hiring and promotion to a spouse of a disabled  
4.9 veteran who has a service-connected permanent and total disability and to a surviving spouse  
4.10 of a deceased veteran. For purposes of promotion under this section, "disabled veteran" in  
4.11 this subdivision means a person who has had a compensable service-connected disability  
4.12 as adjudicated by the United States Veterans Administration, or by the retirement board of  
4.13 one of the several branches of the armed forces. For purposes of hiring under this section,  
4.14 "disabled veteran" has the meaning given in section 43A.11, subdivision 5, paragraph (b).

4.15 Subd. 3. **Equal employment opportunity law.** Granting preference under subdivision  
4.16 1 or 2 does not violate any local or state equal employment opportunity law, including, but  
4.17 not limited to, chapter 363A.

4.18 Sec. 6. Minnesota Statutes 2022, section 198.005, is amended to read:

4.19 **198.005 ADMINISTRATORS.**

4.20 The commissioner shall appoint an administrator for each of the veterans homes. The  
4.21 administrators act as the administrative head for their respective veterans homes. The  
4.22 administrators shall have a current Minnesota nursing home administrator's license and shall  
4.23 serve in the unclassified service. The salaries of the administrators are not subject to section  
4.24 43A.17, subdivision 1. ~~The administrators serve at the pleasure of the commissioner and~~  
4.25 ~~report directly to the commissioner.~~

4.26 Sec. 7. Laws 2010, chapter 333, article 2, section 23, as amended by Laws 2011, First  
4.27 Special Session chapter 12, section 47, is amended to read:

4.28 **Sec. 23. PLANNING NEW VETERANS CEMETERIES.**

4.29 (a) The commissioner of veterans affairs shall determine a suitable site and plan for  
4.30 ~~three~~ four new state veterans cemeteries, one to be located in northeastern Minnesota, one  
4.31 to be located in northwestern Minnesota, one to be located in southeastern Minnesota, and

5.1 one to be located in southwestern Minnesota. In determining the site for a cemetery, the  
5.2 commissioner shall consider available public land options and shall seek proposals for  
5.3 donated land from interested counties, local communities, civic organizations, veterans  
5.4 service organizations, and individuals.

5.5 (b) For determining the veterans cemetery site in southeastern Minnesota, the  
5.6 commissioner shall give priority consideration to land owned and proposed for donation  
5.7 by the county of Fillmore.

5.8 (c) The commissioner's planning process for a state veterans cemetery must include, at  
5.9 a minimum, the following actions:

5.10 (1) determining the need for the cemetery;

5.11 (2) investigating the availability of suitable land for the cemetery;

5.12 (3) assessment of impacts of the cemetery;

5.13 (4) encouragement of support from veteran service organizations and local governments;  
5.14 and

5.15 (5) preparation and submission of a preapplication for a grant from the United States  
5.16 Department of Veterans Affairs for commitment of funding for establishing the cemetery.

5.17 (d) By January 15, 2011, the commissioner shall report to the chair and ranking minority  
5.18 member of the house of representatives and senate committees having responsibility for  
5.19 veterans affairs with a report of the commissioner's progress in implementing this section.

5.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.