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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3749

March 4, 2008

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

March 17, 2008

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to veterans; authorizing and regulating state veterans cemeteries;
1.3 amending Minnesota Statutes 2006, section 197.236.

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

1.5 Section 1. Minnesota Statutes 2006, section 197.236, is amended to read:

1.6 **197.236 ~~VETERANS CEMETERY~~ STATE VETERANS CEMETERIES.**

1.7 Subd. 3. **Operation and maintenance.** The commissioner of veterans affairs shall
1.8 supervise and control the veterans ~~ceemetery~~ cemeteries established under this section. The
1.9 cemeteries are to be maintained and operated in accordance with the operational standards
1.10 and measures of the National Cemetery Administration. The commissioner may contract
1.11 for the maintenance ~~and operation~~ of the ~~ceemetery~~ cemeteries. All personnel, equipment,
1.12 and support necessary for maintenance and operation of the ~~ceemetery~~ cemeteries must be
1.13 included in the department's budget.

1.14 Subd. 5. **Rules.** The commissioner of veterans affairs may adopt rules regarding the
1.15 operation of the ~~ceemetery~~ cemeteries. ~~If practicable,~~ The commissioner shall require that
1.16 upright granite markers supplied by the United States Department of Veterans Affairs be
1.17 used to mark all gravesites.

1.18 Subd. 6. **Permanent development and maintenance account.** A veterans
1.19 cemetery development and maintenance account is established in the special revenue
1.20 fund of the state treasury. Receipts for burial fees, ~~earnings from the veterans cemetery~~
1.21 ~~trust account~~ plot or interment allowance claims, designated appropriations, and any
1.22 other cemetery receipts must be deposited into this account. The money in the account,
1.23 including interest earned, is appropriated to the commissioner to be used for the
1.24 development, operation, maintenance, and improvement of the ~~ceemetery~~ cemeteries.

2.1 To the extent practicable, the commissioner of veterans affairs must apply for available
2.2 federal grants ~~for the development and operation of the cemetery~~ to establish, expand, or
2.3 improve the cemeteries.

2.4 ~~Subd. 7. **Permanent trust account.** A veterans cemetery trust account is~~
2.5 ~~established in the special revenue fund of the state treasury. All designated appropriations~~
2.6 ~~and monetary donations to the cemetery must be placed in this account. The principal of~~
2.7 ~~this account must be invested by the State Board of Investment and may not be spent. The~~
2.8 ~~income from this account must be transferred as directed by the account manager to the~~
2.9 ~~veterans cemetery development and maintenance account.~~

2.10 Subd. 8. **Eligibility.** ~~Any person who is eligible for burial in a national veterans~~
2.11 ~~cemetery is eligible for burial in the State Veterans Cemetery~~ Cemeteries must be operated
2.12 solely for the burial of service members who die on active duty, eligible veterans, and
2.13 their spouses and dependent children, as defined in United States Code, title 38, section
2.14 101, paragraph (2).

2.15 Subd. 9. **Burial fees.** The commissioner of veterans affairs shall establish a fee
2.16 schedule, which may be adjusted from time to time, for the interment of eligible ~~family~~
2.17 ~~members~~ spouses and dependent children. The fees shall cover as nearly as practicable
2.18 the actual costs of interment, excluding the value of the plot. ~~The department may accept~~
2.19 ~~the Social Security burial allowance, if any, of the eligible family members in an amount~~
2.20 ~~not to exceed the actual cost of the interment.~~ The commissioner may waive the fee
2.21 in the case of an indigent eligible person.

2.22 No plot or interment fees may be charged for the burial of ~~eligible veterans, members~~
2.23 ~~of the National Guard, or military reservists, except that funds available from the Social~~
2.24 ~~Security or veterans burial allowances, if any, must be paid to the commissioner in an~~
2.25 ~~amount not to exceed the actual cost of the interment, excluding the value of the plot.~~

2.26 ~~Prior to the interment of an eligible person, the commissioner shall request the~~
2.27 ~~cooperation of the eligible person's next of kin in applying to the appropriate federal~~
2.28 ~~agencies for payment to the cemetery of any allowable interment allowance~~ service
2.29 members who die on active duty or eligible veterans, as defined in United States Code,
2.30 title 38, section 101, paragraph (2).

2.31 ~~Subd. 10. **Allocation of plots.** A person, or survivor of a person, eligible for~~
2.32 ~~interment in the State Veterans Cemetery may apply for a burial plot for the eligible~~
2.33 ~~person by submitting a request to the commissioner of veterans affairs on a form supplied~~
2.34 ~~by the department. The department shall allot plots on a first-come, first-served basis. To~~
2.35 ~~the extent that it is practical, plots must be allocated in a manner permitting the burial of~~

3.1 ~~eligible family members above, below, or adjacent to the eligible veteran, member of~~
3.2 ~~the National Guard, or military reservist.~~

3.3 Subd. 11. **Plot allowance claims.** The commissioner of veterans affairs must apply
3.4 to the Veterans Benefits Administration for a plot or interment allowance payable to the
3.5 state for expenses incurred by the state in the burial of eligible veterans in cemeteries
3.6 owned and operated by the state if the burial is performed at no cost to the veteran's
3.7 next of kin.