

Senator moves to amend the delete-everything amendment (SCS1959A-2) to S.F. No. 1959 as follows:

Page 12, after line 14, insert:

"Sec. 7. Minnesota Statutes 2024, section 197.6091, is amended to read:

197.6091 VETERANS BENEFITS SERVICES; DISCLOSURE AND ACCREDITATION REQUIREMENTS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b)(1) "Advertising" or "advertisement" means any of the following:

(i) any written or printed communication made for the purpose of soliciting business for veterans benefits services, or veterans benefits appeal services, including but not limited to a brochure, letter, pamphlet, newspaper, telephone listing, periodical, or other writing;

(ii) any directory listing caused or permitted by a person and made available by that person indicating that veterans benefits services, or veterans benefits appeal services are being offered; or

(iii) any radio, television, computer network, or similar airwave or electronic transmission that solicits business for or promotes a person offering veterans benefits services, or veterans benefits appeal services.

(2) "Advertising" or "advertisement" does not include any of the following:

(i) any printing or writing used on buildings, uniforms, or badges, where the purpose of the writing is for identification; or

(ii) any printing or writing in a memorandum or other communication used in the ordinary course of business where the sole purpose of the writing is other than soliciting business for veterans benefits services, or veterans benefits appeal services.

(c) "Benefit" means any payment, service, commodity, function, status, or entitlement to which is determined under laws administered by the United States Department of Veterans Affairs pertaining to veterans, dependents, and survivors.

(d) "Claim" means an application made under United States Code, title 38, and implementing directives, for entitlement to United States Department of Veterans Affairs benefits, reinstatement, continuation, or increase of benefits, or the defense of a proposed agency adverse action concerning benefits.

2.1 (e) "Claimant" means a veteran, dependent, or other appropriate person with a claim for
2.2 benefits from the United States Department of Veterans Affairs.

2.3 (f) "Compensation" means payment of money, a thing of value, or a financial benefit.

2.4 (g) "Recognition" means certification by the United States Department of Veterans
2.5 Affairs of organizations to assist claimants in the preparation, presentation, and prosecution
2.6 of claims for benefits.

2.7 (h) "Person" means an individual, agency, government or governmental subdivision,
2.8 government employee, veterans service organization, corporation, business trust, estate,
2.9 trust, partnership, limited liability company, association, joint venture, public corporation,
2.10 instrumentality, or any other legal or commercial entity.

2.11 (i) "Practice of law" means legal representation, legal services, legal advice, legal
2.12 consultations, preparation of legal documents, or other legal activities provided by a licensed
2.13 attorney.

2.14 (j) "Representation" means the acts associated with representing a claimant in a
2.15 proceeding before VA pursuant to a properly executed and filed VA Form 21-22
2.16 (Appointment of Veterans Service Organization as Claimant's Representative) or VA Form
2.17 21-22a (Appointment of Individual as Claimant's Representative).

2.18 (k) "VA accreditation" means the federal credentialing process required pursuant to
2.19 United States Code, title 38, section 5904, by the United States Department of Veterans
2.20 Affairs for representatives of veterans at the agency. Accreditation is not required for
2.21 representation in federal courts.

2.22 (l) "VA-accredited representative" means a person recognized by the United States
2.23 Department of Veterans Affairs under Code of Federal Regulations, title 38, section 14.629,
2.24 including, but not limited to, VA-accredited attorneys, claims agents, government employees,
2.25 and representatives of veterans service organizations.

2.26 (m) "Veterans benefits appeal services" means services that a veteran might reasonably
2.27 require in order to appeal a denial of federal or state veterans benefits provided after an
2.28 initial claim decision is made by the United States Department of Veterans Affairs, including
2.29 but not limited to denials of disability, limited income, home loan, insurance, education and
2.30 training, burial and memorial, and dependent and survivor benefits.

2.31 ~~(d)~~ (n) "Veterans benefits services" means services that a veteran or a family member
2.32 of a veteran might reasonably use in order to obtain federal, state, or county veterans benefits.

3.1 ~~(e)~~ (o) "Written disclosure statement" means the written disclosure statement developed
3.2 by the commissioner of veterans affairs pursuant to section 196.05, subdivision 1.

3.3 Subd. 2. **Advertising disclosure requirements.** A person advertising veterans benefits
3.4 appeal services must conspicuously disclose in the advertisement, in similar type size or
3.5 voice-over, that veterans benefits appeal services are also offered at no cost by county
3.6 veterans service officers under sections 197.603 and 197.604. This subdivision does not
3.7 apply to an attorney accredited by the United States Department of Veterans Affairs under
3.8 Code of Federal Regulations, title 38, section 14.629.

3.9 Subd. 3. **Veterans benefits services disclosure requirements.** A person who provides
3.10 veterans benefits services in exchange for compensation shall provide a written disclosure
3.11 statement to each client or prospective client. Before a person enters into an agreement to
3.12 provide veterans benefits services or accepts ~~money or any other thing of value~~ compensation
3.13 for the provision of veterans benefits services, the person must obtain the signature of the
3.14 client on a written disclosure statement containing an attestation by the client that the client
3.15 has read and understands the written disclosure statement. This subdivision does not apply
3.16 to an attorney accredited by the United States Department of Veterans Affairs under Code
3.17 of Federal Regulations, title 38, section 14.629.

3.18 Subd. 3a. **Federal accreditation; other requirements.** (a) A person who provides
3.19 veterans benefits services, or veterans benefits appeals services, in exchange for compensation
3.20 must be accredited by the secretary of the United States Department of Veterans Affairs
3.21 under United States Code, title 38, chapter 59.

3.22 (b) A person may not make a referral for compensation of claimant to a provider of
3.23 veterans benefits services, or veterans benefits appeals services, unless they are accredited
3.24 by the secretary of the United States Department of Veterans Affairs except as permitted
3.25 under United States Code, title 38, chapter 59.

3.26 (c) A person subject to an accreditation requirement under paragraph (a), and who
3.27 provides veterans benefits services, or veterans benefits appeals services, may charge a
3.28 veteran or a family member of a veteran a fee or other form of compensation only as provided
3.29 in Code of Federal Regulations, title 38, section 14.636.

3.30 (d) Before providing veterans benefits services, or veterans benefits appeals services, a
3.31 person must provide a veteran or a family member of a veteran a written fee agreement that
3.32 complies with Code of Federal Regulations, title 38, section 14.636, memorializing all terms
3.33 regarding payment of fees, and signed by both parties.

(e) A person shall not engage in the practice of law where it concerns veterans, in the preparation, presentation, or prosecution for veterans benefits before the United States Department of Veterans Affairs, except if the person is a VA-accredited representative.

(f) A person seeking compensation in connection with a veterans benefit service or veterans benefit appeal service must:

(1) not use a veteran's personal login, username, or password information to access the veteran's medical, financial, or government benefits information; and

(2) ensure that any individual who has access to a veteran's medical or financial information undergoes a background check prior to having access to that information. The background check must be conducted by a reputable source and include identity verification and a criminal records check.

Subd. 3b. Guarantee of benefits prohibited. A person providing veterans benefits services, or veterans benefits appeals services, in exchange for compensation, must not guarantee, either directly or by implication, that a veteran or a family member of a veteran is certain to receive specific federal, state, or county veterans benefits or any specific level, percentage, or amount of federal, state, or county veterans benefits.

Subd. 4. Violations; penalties. ~~A person who fails to comply with this section is subject to a civil penalty not to exceed \$1,000 for each violation. Civil penalties shall be assessed by the district court in an action initiated by the attorney general. For the purposes of computing the amount of each civil penalty, each day of a continuing violation constitutes a separate violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of this section regardless of whether an action has been filed under this section~~ A violation of this section is an unlawful practice under section 325F.69. Any civil penalty recovered shall be deposited in the Support Our Troops account established under section 190.19.

Subd. 5. Nonapplicability. This section does not apply to the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated."

Renumber the sections in sequence and correct the internal references