

## Veterans

## CHAPTER 196

## DEPARTMENT OF VETERANS AFFAIRS

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**196.01 CREATED.** There is hereby created and established a Department of Veterans' Affairs, hereinafter referred to as the department.

[1943 c. 420 s. 1]

**196.02 COMMISSIONER OF VETERANS AFFAIRS.** Subdivision 1. **Appointment; qualifications.** The department shall be under the supervision and control of a Commissioner of Veterans' Affairs who shall be appointed by the governor by and with the advice and consent of the senate. No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota for at least five years prior to his appointment;

(2) Citizenship in the United States;

(3) Service in the Army, Navy, or Marine Corps of the United States during a time when a state of war shall have been declared to exist by the Congress of the United States and an honorable discharge from such service. The commissioner, if his appointment be approved by the senate at a regular session of the legislature, shall serve for a term expiring March 1 in the fourth calendar year following the calendar year in which such approval was given, and until his successor is appointed and has qualified. Appointment of a commissioner for the ensuing term may be made by the incoming governor at any time after taking office in the year in which the current term expires, but such appointee shall not take office until the expiration of such current term nor until approved by the senate unless there is a vacancy. In case of a vacancy the governor may appoint a commissioner to serve at the pleasure of the governor but not later than the next following March 1 in an odd numbered year and until a successor is appointed and has qualified as in the case of the expiration of a regular term.

Subd. 2. **Salary of Commissioner.** The salary of the commissioner shall be \$5,000 per year payable semi-monthly. He shall give bond to the state in the sum of \$10,000.

Subd. 3. **Deputy Commissioner.** The commissioner may designate one of his employees as deputy commissioner, who shall have the qualifications prescribed in section 196.02, and may revoke such status at any time, regardless of the civil service status of such employee and without affecting such status. The deputy may exercise all the powers of the commissioner, subject to his direction and control.

[1943 c. 420 s. 2]

**196.03 Officers and employees.** All officers and employees of the department shall be appointed by the commissioner and they shall perform such duties as may be assigned to them by the commissioner.

[1943 c. 420 s. 3]

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## 196.04 DEPARTMENT OF VETERANS AFFAIRS

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**196.04 RULES.** Subdivision 1. **Promulgation.** The commissioner shall adopt reasonable and proper rules to govern the procedure of the divisions of the department and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same, in order to establish the right to benefits provided for by the law. Such rules shall become effective when approved by the attorney general and then be filed in the office of the secretary of state.

Subd. 2. **Existing rules to govern.** Until modified or repealed by the commissioner, all orders, rules and regulations and permits or other privileges issued or granted with respect to any function consolidated hereunder, and in effect at the time of such consolidation, shall continue in effect to the same extent as if such consolidation had not occurred.

[1943 c. 420 s. 4]

**196.05 DUTIES OF COMMISSIONER.** The commissioner shall:

- (1) Act as the agent of any resident of the state having a claim against the United States for a pension, bounty, or back pay arising out of or by reason of any war or any federal military or naval service and prosecute such claim without charge;
- (2) Make and preserve, by counties, as a part of the war records' collection, a permanent registry of the graves of all persons who shall have served in the military or naval forces of the United States whose mortal remains may rest in Minnesota;
- (3) Compile and maintain the individual record of each Minnesota resident who served or participated in the Civil War, Spanish American War, Philippine Insurrection, Boxer Rebellion, or any armed expedition for which Congress has awarded a campaign badge or medal, Mexican Border Service, Indian Wars, the World War, in the armed forces in the period between September 16, 1940, and December 7, 1941, both dates inclusive, and the war wherein the United States of America and the allied nations of England, Russia and other allied nations are engaged in war against Germany, Japan, Italy, and their allies, and include therein all obtainable military history of such person; and the compilations made hereunder may be used in place of the original records for all practical purposes;
- (4) Administer the laws relating to pensions to Indian War Veterans;
- (5) Act as custodian of all veterans' bonus records and perform all duties now imposed upon the adjutant general under laws relating to soldiers' bonus;
- (6) Administer the laws relating to
  - (a) The burial of veterans,
  - (b) The placing of headstones at veterans' graves,
  - (c) The providing of markers at veterans' graves for memorial purposes, and
  - (d) The furnishing of flags for deceased veterans;
- (7) Administer the laws relating to recreational or rest camps for veterans so far as applicable to state agencies;
- (8) Administer the State Soldiers' Welfare fund and veterans' relief as administered by the division of social welfare; and all funds hereafter appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation of veterans;
- (9) Cooperate with all national, state, county, municipal, and private social agencies in securing to veterans and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;
- (10) Establish and provide such assistance to a war veteran needing hospitalization, but unable to accept hospitalization because the acceptance thereof would imperil his then employment, as would insure employment after hospitalization;
- (11) Provide necessary assistance where other adequate aid is not available to the dependent family of a war veteran while such veteran is being hospitalized and afterwards during such period as is necessary;
- (12) Act as the guardian for a minor or an incompetent person receiving moneys from the United States Government when no other suitable person will so act;

(13) Cooperate with United States governmental agencies providing compensation, pensions, insurance, or other benefits provided by federal law, by supplementing the benefits prescribed therein, when conditions in an individual case make it necessary;

(14) Perform all the present duties of the Soldiers' Welfare director;

(15) Establish and provide such employment placement and advisement service for disabled veterans as cannot be furnished by cooperation with other free employment agencies;

(16) Contact, at such times as he deems proper, all war veterans, as defined in section 197.45, who are confined in any public institution; investigate the treatment accorded these veterans and report quarterly to the governor the results of such investigations; and the heads of such public institutions shall permit the commissioner, or his representative, to visit any such veteran; and, if the commissioner, or his representative requests any information relative to any such veteran and his affairs, the head of such institution shall furnish the same;

(17) Have such other powers as may be authorized and necessary to carry out the provisions of Laws 1943, Chapter 420.

[1943 c. 420 s. 5]

**196.06 ANNUAL REPORT.** Subdivision 1. **To Governor.** The commissioner shall make an annual written report to the governor giving:

- a. An account of all moneys received and disbursed;
- b. A description of the work done;
- c. Administrative improvements;
- d. Activities of the department;
- e. The number of veterans who have, during the past year, received relief in any form;
- f. The number of veterans on relief rolls;
- g. The number of veterans who are receiving hospital and medical treatment;
- h. The number of claims presented on behalf of veterans, and the disposition thereof;
- i. The recommendations he may deem necessary for the active performance of the duties and purposes of the department.

**Subd. 2. Available to Legislature.** The report referred to in the preceding subdivision shall be made available to the members of the legislature.

[1943 c. 420 s. 6]

**196.07 Technical staff.** The commissioner's technical staff shall have the same qualifications as enumerated for the commissioner in section 196.02.

[1943 c. 420 s. 7]

**196.08 FILES AND RECORDS CONFIDENTIAL.** The contents of, and all files, records, reports, papers and documents pertaining to, any claim for the benefits of Laws 1943, Chapter 420, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made, without the consent in writing of the claimant who has not been adjudicated incompetent, except as follows:

a. To said claimant personally, his duly appointed guardian, his attorney in fact, or his duly authorized representative, and as to matters concerning himself alone, when, in the judgment of the commissioner, such disclosure would not be injurious to the physical or mental health of the claimant.

b. To the representatives of veterans' organizations recognized by the United States Government, not exceeding five from each such veterans' organizations, and when such representatives have been duly certified as such by the state department of any such veterans' organizations in the State of Minnesota.

c. In any court in the State of Minnesota which has jurisdiction of the parties to, and subject matter of, an action or proceeding therein pending, as found by said court, when required to be produced by the process of such court, and then only in open court, as evidence, in such action or proceeding after a judge thereof shall have ruled the same to be relevant and competent evidence in such action or proceeding according to the laws and statutes of said State.

[1943 c. 420 s. 8]

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**196.09 ADDITIONAL RECREATIONAL FACILITIES.** The commissioner is authorized to secure additional recreational facilities, supplies and equipment for the use of his department, as, in his discretion, he may deem necessary, within the limits of the appropriation made by any act of the legislature for such purposes.

[1943 c. 420 s. 9]

**196.10 POWERS OF COMMISSIONER.** The commissioner shall have the power to order, regulate, consolidate, eliminate, or redistribute the functions of the departments, agencies, divisions, offices or activities in the department of veterans affairs, and fix the functions thereof and the duties and powers of their respective executive aids.

[1943 c. 420 s. 10]

**196.11 CERTAIN POWERS OF ADJUTANT GENERAL TRANSFERRED.** All powers and duties now imposed by law upon the adjutant general with reference to war veterans and the Soldiers' Welfare Director are hereby transferred to the commissioner of veterans affairs and shall hereafter be exercised, performed, and administered by him.

[1943 c. 420 s. 11]

**196.12 TO CONSTITUTE CONTINUANCE OF FORMER AGENCY.** The department of veterans affairs constitutes a continuance of the former department, agency, or officer as to matters within the jurisdiction of the former department, agency, or officer, and not a new authority, for the purpose of succession to all rights, powers, duties, and obligations of the former department, agency, or officer as constituted at the time of such assignment or transfer, except as otherwise provided by Laws 1943, Chapter 420, with the same force and effect as if such functions, powers, and duties had not been assigned or transferred.

[1943 c. 420 s. 12]

**196.13 DELIVERY OF RECORDS.** Subdivision 1. **Possession.** The head of the department or other agency, or the officer whose functions, powers, and duties are by Laws 1943, Chapter 420, assigned and transferred to the department of veterans affairs, shall transfer and deliver to the latter all state contracts, books, maps, plans, papers, records, and property of every description connected with the functions, powers, and duties transferred to the department of veterans affairs within his jurisdiction or control, and shall also transfer thereto any and all employees engaged in the exercise of such functions, powers, or duties. The commissioner is hereby authorized to take possession of said property, and shall take charge of said employees, and shall employ them in the exercise of their respective functions, powers, and duties transferred as aforesaid, without reduction of compensation, subject to change or termination of employment or compensation as may be otherwise provided by law.

Subd. 2. **Application.** The provisions of subdivision 1 of this section and of section 196.13, without otherwise limiting the application thereof, shall apply to the division of social welfare so far as it engages in the distribution of relief to veterans, and to all employees thereof engaged in such distribution. All appropriations hereafter made to any state agency for relief to veterans shall be dispersed by the department of veterans affairs, unless specifically prohibited by other provisions of law.

[1943 c. 420 s. 13]

**196.14 EMPLOYMENT OF PERSONS ENTITLED TO VETERANS' PREFERENCE.** The commissioner, whenever he deems it practicable shall employ persons entitled to preference under section 43.30. Upon request by the commissioner, the director of the state civil service shall certify for appointment to positions in the department from the appropriate eligible list only those persons entitled to preference under section 43.30. Otherwise employment in the department shall be governed by the provisions of the state civil service act.

[1943 c. 420 s. 14]

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**196.15 OFFICE SPACE TO BE ASSIGNED TO DEPARTMENT.** The commissioner of administration shall assign the office space in the capitol and other state buildings so far as necessary to carry out the purposes of Laws 1943, Chapter 420.

[1943 c. 420 s. 15]

**196.16 APPROPRIATIONS TRANSFERRED.** All unexpended funds appropriated or made available to any department, agency, or officer for the purpose of any of its functions, powers, or duties, which are transferred by Laws 1943, Chapter 420, to the Department of Veterans' Affairs, are hereby transferred to the latter.

[1943 c. 420 s. 16]

**196.17 TO ASSIST DISABLED AMERICAN VETERANS OF ALL WARS TO SECURE COMPENSATION AND BENEFITS.** Subdivision 1. **Soldiers of all wars defined.** Soldiers, sailors, and marines, who were disabled in military service during all wars and their dependents, are entitled to the same privileges as are now enjoyed by all other veterans.

Subd. 2. **Appropriation.** There is hereby appropriated from the general revenue fund of the state of Minnesota, the sum of \$7,500 for each of the fiscal years ending June 30, 1942, and June 30, 1943, to be expended by The Disabled American Veterans, department of Minnesota for the purpose of assisting war veterans and their dependents in the preparation and presentation of their claims to the United States government for compensation and other benefits to which they are entitled as a result of disabilities incurred in military service.

Subd. 3. **Purpose of section.** This section is hereby declared to be in the interest of the preservation of the public peace, health and safety, the support of the state government and the existing public institutions, and for the purpose of assisting veterans and their dependents who are entitled to compensation and other benefits from the United States government but have been unable to obtain it and in many instances have had to rely upon local assistance and charity.

[1941 c. 425 ss. 1, 2, 3; 1943 c. 618 s. 1]