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VETERANS; REWARDS, PRIVILEGES 197.02

CHAPTER 197

VETERANS; REWARDS, PRIVILEGES

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197.01 FUNDS COLLECTED FROM UNITED STATES. The commissioner of veterans affairs, the board, superintendent, commission, or other administrative body in charge of any state insane hospital, Minnesota State Sanatorium, the University of Minnesota hospitals, or any state institution or in charge of any county hospital or sanatorium for consumptives, whether maintained by one county or by a group of counties in which any persons suffering from disability incurred in or connected with service in the military or naval forces of the United States in the world war are inmates or domiciled, for whose care and maintenance provision is made by the United States government, are hereby authorized and directed to collect from the United States veterans' bureau or other agency of the United States government authorized to pay for the care and support of such persons, the maximum amount allowed and that can be collected for the care, maintenance, and treatment of any and all such ex-service persons.

[1923 c 436 s 1; 1957 c 287 s 3] (4599)

197.02 FUNDS USED FOR CARE AND MAINTENANCE OF DISABLED SOLDIERS. The commissioner of veterans affairs, the board, superintendent, commission, or other administrative body in charge of any such hospital, sanatorium, or institution shall retain and pay into the funds of such institution for and on account of such ex-service persons for whose care, maintenance, and treatment an allowance is collected, as provided in section 197.01, from the United States government or any agency of the United States government, out of the moneys so collected, only the average gross per capita cost of maintaining and supporting inmates in any such hospital, sanatorium or other institution and any special or extra expenditures or disbursements made for or in connection with the care and maintenance of such ex-service persons, and shall retain in a separate fund and shall pay to the commissioner of veterans affairs as hereinafter provided, for and on account of the state soldiers' welfare fund established in section 197.03, the excess of such amounts so collected over and above such gross per capita maintenance cost and disbursements and expenditures. The proper officer of each of said institutions shall keep

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in a book prepared for that purpose a daily record of the ex-service persons actually residing there and domiciled in such institution, and shall make monthly reports thereof to the commissioner of veterans affairs.

The governing board, commission, or administrative head of any such institution shall, on or before the tenth day of every month, transmit to the commissioner of veterans affairs the excess of such amounts so collected over and above such gross per capita costs and disbursements and he shall pay into the state soldiers' welfare fund the sums so received from any such institution, and the excess of the sums collected by it as herein provided for from the United States government or any agency thereof, in excess over and above such gross per capita maintenance cost and disbursements.

[1923 c. 436 s. 2] (4600)

197.03 STATE SOLDIERS' WELFARE FUND CREATED. There is hereby created a state soldiers' welfare fund to aid and assist any citizen of Minnesota who served in the military or naval forces of the United States, in securing compensation, hospitalization, medical treatment, insurance or other relief or benefits to which he may be entitled from the United States or any other government or state and for the emergency relief, hospitalization, treatment and maintenance of all such persons who were bona fide residents of the state at the time their need arose and his dependents as hereinafter provided.

[1923 c. 436 s. 3; 1929 c. 327] (4601)

197.04 COMPOSITION OF FUND. The state soldiers' welfare fund shall consist of all sums paid to or received by the commissioner of veterans affairs under the provisions of sections 197.01 to 197.07 and of any and all moneys and properties that may be appropriated, donated, given, bequeathed, or devised to the state soldiers' welfare fund or to the commissioner of veterans affairs for the benefit of the fund.

[1923 c. 436 s. 4; 1929 c. 327] (4602)

197.05 FUND, HOW EXPENDED. The state soldiers' welfare fund shall be administered by the commissioner of veterans affairs and shall be used to locate and investigate the facts as to any citizen of Minnesota who served in the military or naval forces of the United States and who is indigent or suffering from any disability whether acquired in such service or not; to assist any such person and his dependents as hereinafter provided in establishing and proving any just claim he may have against the United States government, or any other government or state for compensation, insurance, relief, or other benefits, and to provide emergency hospitalization, treatment, maintenance, and relief for any such person suffering from disability who was a bona fide resident of the state at the time his need arose and his dependents, as hereinafter provided, and to cooperate with other state, municipal, and county officials and civic or civilian agencies or organizations in carrying out the provisions of sections 197.01 to 197.07.

Such fund is hereby appropriated to be used in such manner as the commissioner of veterans affairs may determine for such purposes.

[1923 c. 436 s. 5; 1929 c. 327] (4603)

197.06 SOLDIERS' WELFARE AGENT. The commissioner of veterans affairs shall have charge of activities hereunder, and may employ such assistants and incur such other expenses as may be necessary for the administration of said state soldiers' welfare fund and carrying out the provisions of sections 197.01 to 197.07; provided, that no expense shall be incurred under the provisions of sections 197.01 to 197.07 in excess of the moneys available to such state soldiers' welfare fund. The commissioner of veterans affairs may be appointed, by the probate court, guardian of the person or estate or both of any former service man or woman for whom or for whose estate or for both the appointment of a guardian is found by the court to be necessary, and when so appointed and qualified may act as such. Any compensation received by him for so acting shall be paid into and become a part of the state soldiers' welfare fund.

The duties and powers of the commissioner of veterans affairs, in addition to those otherwise provided, shall be to:

- (1) Administer the state soldiers' welfare fund;
- (2) Cooperate with all national, state, county, municipal and private social agencies in securing to former soldiers and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;

(3) Establish and provide such assistance to a former soldier needing hospitalization but unable to accept it because the acceptance thereof would imperil his then employment, as would insure employment after hospitalization;

(4) Provide necessary assistance where other adequate aid is not available to the dependent family of a former soldier while such is being hospitalized and afterwards during such period as is necessary;

(5) Act as guardian for minors and incompetent persons receiving moneys from the United States government when no other suitable person will consent to act;

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

(7) Establish and provide such employment, placement, and advisement service for disabled veterans as cannot be furnished by cooperation with other free public employment agencies.

[1923 c. 436 s. 6; 1925 c. 88; 1929 c. 327] (4604)

197.07 SOLDIERS' WELFARE FUND DEPOSITED IN STATE TREASURY.

The soldiers' welfare fund shall be deposited in the state treasury and paid out only in such vouchers as may be authorized and approved by the commissioner of veterans affairs in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by him.

[1923 c. 436 s. 7] (4605)

197.09 EDUCATION OF DEPENDENTS. Subdivision 1. The sum appropriated under the provisions of Laws 1935, Chapter 350, shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children of those residents of Minnesota for at least six months prior to entering active service who were killed in action or died from other causes during World War I, from April 6, 1917, to July 2, 1921, while serving in the armed forces of the United States or as a result of such service, which children are attending or may attend the University of Minnesota, a state college, a community college, or any other college within the state, accredited by the North Central Association of Colleges and secondary schools, a law college approved by the supreme court, a nursing school approved by the state nurses examining board, or in a trade school in the state which may be approved by the state department of education, or in a theological seminary, for any course which such child may elect provided such child was domiciled in Minnesota for at least two years immediately prior to applying for benefits hereunder. These children shall be admitted to state institutions of college grade free of tuition.

Subd. 2. Any dependent of a prisoner of war or a person missing in action as defined herein, upon his being duly accepted for enrollment in any Minnesota state supported institution of higher education or Minnesota state supported technical or vocational school, shall be allowed to attend such institution to obtain a bachelors degree or certificate of completion, for so long as he is eligible, free of tuition or charge. A dependent who enrolls as an undergraduate in any private Minnesota institution of higher education or in any private Minnesota technical or vocational school shall be entitled to payment by the state of tuition and fees at a rate established by the Minnesota higher education coordinating commission at a rate not exceeding the undergraduate tuition at Minnesota public institutions for so long as he is eligible to attend such institution and is working toward a bachelors degree or certificate of completion.

"Prisoner of war" and "person missing in action" for purposes of this subdivision mean any person who was a resident of the state at the time he entered service of the United States Armed Forces, or whose official residence is within the state, and, who, while serving in the United States Armed Forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after August 1, 1958.

"Dependent" for purposes of this subdivision means the spouse of a prisoner of war or person missing in action, or any child born before or during the period of time his parent served as a prisoner of war or was declared a person missing in action, or any child legally adopted or in the legal custody of the parent prior to and during the time the parent served as a prisoner of war or was declared to be a

person missing in action. Once a person qualifies as a dependent under the terms and provisions of this subdivision there shall be no situation such as the return of the father or the reported death of the father that will remove the dependent from provisions or benefits of this subdivision.

[1935 c 350 s 1; 1947 c 176 s 4; 1951 c 486 s 1; 1955 c 44 s 1; 1957 c 576 s 1, 2; 1973 c 349 s 2; 1974 c 496 s 2] (4397-21)

197.10 MONEYS PAID TO EDUCATIONAL INSTITUTIONS. The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section 197.11, shall be payable to such institution from the fund hereby created on vouchers approved by the commissioner of veterans affairs. He shall determine the eligibility of the children who may make application for the benefits provided for in sections 197.09 to 197.11; satisfy himself of the attendance of such children at any such institution and of the accuracy of the charges submitted to him by the authorities of any such institution, on account of the attendance thereat of any such children.

[1935 c. 350 s. 2] (4397-22)

197.11 LIMITATION ON PAYMENTS. Not more than \$250 shall be paid under the provisions of sections 197.09 to 197.11 for any one child for any one year.

[1935 c 350 s 3; 1947 c 176 s 5] (4397-23)

197.12 [Obsolete]

197.13 LAND SECURED FOR RECREATION CAMPS FOR DISABLED VETERANS. The board of governors created by section 197.14 is hereby authorized and directed to purchase Big Island, Lake Minnetonka, and all buildings and other appurtenances thereon, on which is presently located the Big Island Veterans Camp, and which is described as follows: Government Lot One (1), Section Fourteen (14), Township One Hundred Seventeen (117), Range Twenty-three (23); Government Lot Two (2), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23); and that part of Government Lot Three (3), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23), commencing at the Northeast corner of said Government Lot Three (3), Section Twenty-three (23); thence Southwesterly along the lake shore to the Northeast corner of Lot A, Morse Island Park; thence South 350 feet to Lake Minnetonka; thence East along the shore of Lake Minnetonka to the East line of said Lot Three (3); thence North to the place of beginning, for the establishment and maintenance of a recreation and recuperative camp for the use and benefit of disabled veterans of the world war and other wars, resident in the state. Title to said land, buildings, and other appurtenances shall be held in the name of the board of governors of the Big Island Veterans Camp. Any funds derived from any appropriations, contributions, unexpended balances, or revenues heretofore or hereafter existing to the credit of any such veterans' camp operating under the provisions of sections 197.13 to 197.17 may be used for the purchase of land for such camp.

[1923 c 309 s 1; 1941 c 514; 1947 c 72 s 1] (4393)

197.14 BOARD OF GOVERNORS CREATED; MEMBERSHIP. There is hereby established a board of governors to be known as the Board of Governors of the Big Island Veterans Camp who shall have and exercise supervision, care, control, and management of such recreation and recuperation camp, which board shall consist of ten members who shall be selected and appointed as follows: two members thereof shall be selected and appointed by the state department of the American Legion, two members thereof shall be selected and appointed by the state department of the veterans of foreign wars of the United States, two members thereof shall be selected and appointed by the state department of the United Spanish war veterans, two members thereof shall be selected and appointed by the state department of the disabled American veterans of the world war, one member thereof shall be selected and appointed by but not from the board of county commissioners of the county wherein the recreation and recuperative camp is located, and one member, who shall act as the chairman of the board of governors, shall be selected and appointed by the commissioner of veterans affairs. Each member of the board of governors shall be appointed for a term of two years or until the appointment and qualification of his successor. The terms shall commence and shall expire on the first Monday in January. Provided, however, that the organizations which are authorized to appoint two members to the board of governors

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shall, for the terms commencing in January, 1948, appoint one such member for a term of one year, thereafter all appointments shall be made for a term of two years. Any vacancies at any time occurring in the board of governors shall be filled by appointment in like manner as hereinbefore provided for members of the board.

[1923 c 309 s 2; 1947 c 72 s 2] (4394)

197.15 POWERS AND DUTIES OF BOARD. The board of governors shall have full power and authority to formulate, make, and enforce all rules and regulations necessary for the proper management, control, and use of such veterans' recreation and recuperation camp; it shall have the authority to engage and to fix the compensation of manager and such employees and others as may be necessary for the care and operation of such camp, and to make such expenditures for the procurement of such incidentals as may advance the health and pleasure of the beneficiaries hereunder as may be necessary. Expenditures shall be made with the approval and upon the order of the chairman of the board of governors. The board of governors, in January of each year, shall make and file with commissioner of veterans affairs a report, together with its recommendations, covering its activities in the management and operation of this recreation and recuperation camp, including the extent of the use of the camp for the purpose intended and the benefits resulting therefrom during the preceding year.

[1923 c 309 s 3; 1947 c 72 s 3] (4395)

197.16 COMMISSIONER TO MANAGE APPROPRIATION. The commissioner of veterans affairs shall have the management and control of all state appropriations made for the use and benefit of such recreation and recuperation camp, and all expenditures made from such appropriations, but shall put such funds at the disposal of the board of governors as may from time to time be needed for the proper conduct of such camp and to advance the purpose of sections 197.13 to 197.17. Expenditures shall be made from the fund with the approval and upon the order of the chairman of the board of governors. The commissioner of veterans affairs and the chairman of the board of governors of the camp shall make requests for such appropriations from the legislature as may be deemed necessary with which to make appropriate improvements on the tract of land to be used for such camp, and with which properly to carry out the purposes of sections 197.13 to 197.17 and shall appear before the proper committee of the legislature to explain the requests. The commissioner of veterans affairs, or the board of governors, is hereby empowered to accept such donations, contributions, gifts, and bequests of real or personal property as may be made to it in order to further the purposes of sections 197.13 to 197.17, and to carry out such trusts thereby created as may not be inconsistent with the purposes of sections 197.13 to 197.17; the commissioner of veterans affairs may delegate such duties to the board of governors as he sees fit.

[1923 c 309 s 4; 1947 c 72 s 4; 1969 c 275 s 5] (4396)

197.17 WHO ARE ENTITLED TO BENEFITS. All disabled American veterans of the world war and other wars, who are residents of the state, shall be entitled to the advantages and privileges of such recreation and recuperation camp. The term "disabled American veterans," as used in sections 197.13 to 197.17, means and includes all veterans having a disability recognized as such by the United States government. The board of governors may extend the advantages and privileges of such recreation and recuperation camp to such classes of sick, ailing, or unfortunate ex-service men as it deems advisable from time to time.

[1923 c. 309 s. 5] (4397)

197.18 APPROPRIATION FOR OPERATION OF VETERANS' REST CAMPS. The board of public welfare or similar welfare body of any city and county in this state may annually expend an amount not in excess of \$9,000 in the operation and maintenance of a rest camp now being operated or which hereafter may be located or operated within such county or outside the limits thereof, for disabled or needy American war veterans and their families having a legal settlement in such county, and for such other disabled and needy veterans and their families, whose cost of maintenance while at the camp is paid by the state or some other person or agency.

[1929 c. 312 s. 1; 1937 c. 73 s. 1] (4397-1)

197.19 CERTAIN COUNTY BOARDS MAY APPROPRIATE MONEY FOR REST CAMPS. The board of county commissioners of any county having a population of over 500,000, in which a rest camp for disabled American war veterans is

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being operated, may annually expend an amount not in excess of the sum of \$3,000 to assist in the operation and maintenance of the rest camp.

[1931 c. 324] (4397-2)

197.20 [Repealed, 1969 c 275 s 12]

197.21 [Repealed, 1969 c 275 s 12]

197.211 [Repealed, 1969 c 275 s 12]

197.22 [Repealed, 1969 c 275 s 12]

197.23 MAY PROVIDE MARKERS. The commissioner of veterans affairs shall, upon the petition of any five reputable freeholders of any township or municipality, or of any patriotic or ex-servicemen's organization, procure for and furnish to the petitioners some suitable and appropriate metal socket and an appropriate marker for the grave of each and every soldier, sailor, marine, or nurse who served with honor in the forces of the United States and who is buried within the limits of the state, to be placed on the grave of such soldier, sailor, marine, or nurse for the purpose of permanently marking and designating the grave for memorial purposes.

[1909 c 299 s 1; 1931 c 363 s 4; 1969 c 275 s 6] (4373)

197.24 [Repealed, 1969 c 275 s 12]

197.25-197.30 [Obsolete]

197.31 [Repealed, 1965 c 47 s 1]

197.32 [Repealed, 1965 c 47 s 1]

197.33 [Repealed, 1965 c 47 s 1]

197.34 [Repealed, 1965 c 47 s 1]

197.35 [Repealed, 1965 c 47 s 1]

197.36 [Repealed, 1965 c 47 s 1]

197.37 [Repealed, 1965 c 47 s 1]

197.38 [Repealed, 1965 c 47 s 1]

197.39 [Repealed, 1965 c 45 s 73]

197.40 [Repealed, 1965 c 45 s 73]

197.41 [Repealed, 1965 c 45 s 73]

197.42 [Repealed, 1961 c 561 s 17]

197.43 [Repealed, 1961 c 561 s 17]

197.44 [Repealed, 1961 c 561 s 17]

197.447 VETERAN, DEFINED. The word "veteran" as used in sections 196.02, 196.07, 197.59, 197.601, 282.031, and 282.032 means any person honorably discharged from the armed forces of the United States who served in the Civil War, Spanish American War, Philippine Insurrection, China Relief Expedition, World War I between April 6, 1917 and November 11, 1918, both dates inclusive, on or after December 7, 1941 until final cessation of all hostilities as determined by the proper state authorities in order to give recognition for service performed in the following hostile actions: World War II, Korean conflict, Lebanon crisis, Berlin crisis, Quemoy and Matsu, Taiwan Straits, Cuban crisis, the Congo, Laos, the Dominican Republic and Vietnam, and to include service therein but not to exclude persons who did not have service in those areas. The word "veteran" does not include a person enlisted and accepted for active training only for a period of six months or less.

[1955 c 4 s 1; 1967 c 222 s 1; 1969 c 275 s 7; 1971 c 24 s 15]

VETERANS, OTHER PROVISIONS

197.45 PREFERENCE IN PUBLIC APPOINTMENTS. Subdivision 1. **Veteran defined.** The word "veteran" as used in this section and section 197.46 means any man or woman honorably discharged from the army, navy, marine corps, or Women's Auxiliary Army Corps of the United States in the Civil War, Spanish-American War, Philippine Insurrection, China Relief Expedition, or any armed expedition for which Congress has awarded a campaign badge or medal, World War wherein the United States of America and the allied nations of England, France, and others were engaged in war against the Imperial German Government and its allies, and any other person who, on or after December 7, 1941, has been honorably discharged or separated from any branch of the armed forces of the United States (1) after having served on active duty for other than training purposes or (2) by reason of disability incurred while serving on active duty, who is a citizen of the

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United States, and has been a resident of the state of Minnesota and of the county, city, town, school district, or political subdivision thereof to which application is made, or who enlisted from the state of Minnesota, and persons who served in the active military or naval service of any government allied with the United States in World War I or World War II, and have been honorably discharged therefrom, and who are citizens of the United States and were such citizens at the time of entrance into such active service, and have been residents of the state of Minnesota or who enlisted from the state of Minnesota.

Subd. 2. Preference to war veterans in public appointments. That in every public department and upon all public works in the state of Minnesota and the counties, cities, towns, school districts, and all other political subdivisions and agencies thereof, honorably discharged veterans shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age and disability does not render him incompetent to perform properly the duties of the position applied for and when such veteran shall apply for appointment or employment under sections 197.45 and 197.46, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, except where said veteran has already been qualified under civil service for the position applied for, make an investigation as to the qualifications of said veteran for such place or position, and if he is of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said veteran to such position or place of employment.

In any governmental agency having an established civil service or merit system, no inquiry shall be made of any applicant for examination before such examination as to whether or not he is a veteran, nor shall any distinction be made in giving the examination or grading the results thereof on account of the fact that the applicant may be a veteran; provided, that this shall not abridge any preference to which such veteran is entitled. All governmental agencies when notifying the applicant that he has passed, shall inform the applicant of the right of a veteran to preference. The proper civil service or merit system authority shall certify his appointment and the appointing authority shall appoint such veteran before any other person is certified or appointed to fill a position for which the veteran has passed the examination.

A refusal to allow the preference provided for in this and the next succeeding section to any such honorably discharged veteran, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged veteran to a right of action therefor in any court of competent jurisdiction for damages, and such officer and the persons responsible for such refusal if such refusal was wilful shall be personally liable therefor, and also for a remedy for mandamus for righting the wrong.

Subd. 3. Promotional examinations. In any governmental agency having an established civil service or merit system where an applicant is a veteran and he has passed the promotional examination, he may elect to have a credit of five points to the examination rating. The decision to make such election may be made either before or after the examination. If the election is made and the promotion is gained, such election shall preclude the use of a five point preference in further promotions. The name of the veteran or disabled veteran with such augmented rating shall be placed on the list of eligibles along with other eligible persons for the position or place, but the name of the veteran shall be entered ahead of a non-veteran when the ratings are the same.

Subd. 4. Widows to have rights and privileges. The widows of deceased veterans and the spouses of disabled veterans who, because of such disability, are unable to qualify, shall have all the rights and privileges given to a veteran by this section or by section 197.46.

[1907 c 263 s 1; 1917 c 499 s 1; 1919 c 14; 1919 c 192 s 1; 1937 c 121; Ex1937 c 6 s 1; 1943 c 230 s 1; 1945 c 502 s 1; 1949 c 687 s 1; 1953 c 699 s 6; Ex1967 c 4 s 2; 1973 c 123 art 5 s 7; 1973 c 494 s 10] (4368)

NOTE: Laws 1957, Chapter 741 relating to cities of first class of not more than 150,000, section 6 thereof, reads:

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"The provisions of Minnesota Statutes, Sections 197.45, 197.46, 197.47 and 197.48 are hereby superseded by the provisions of this chapter insofar as they may be inconsistent."
As to veterans employed by St. Cloud, see Laws 1967, Chapter 607.

197.46 VETERANS PREFERENCE ACT; REMOVAL FORBIDDEN; RIGHT OF MANDAMUS. Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities, towns, school districts and all other political subdivisions or agencies thereof, who is an honorably discharged veteran, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, in writing.

Any veteran who has been notified of the intent to discharge him from an appointed position or employment pursuant to this section shall be notified in writing of such intent to discharge and of his right to request a hearing within 60 days of receipt of the notice of intent to discharge. The failure of a veteran to request a hearing within the provided 60-day period shall constitute a waiver of his right to a hearing. Such failure shall also waive all other available legal remedies for reinstatement.

Request for a hearing concerning such a discharge shall be made in writing and submitted by mail or personal service to the employment office of the concerned employer or other appropriate office or person.

In all governmental subdivisions having an established civil service board or commission, or merit system authority, such hearing for removal or discharge shall be held before such civil service board or commission or merit system authority. Where no such civil service board or commission or merit system authority exists, such hearing shall be held by a board of three persons appointed as follows: one by the governmental subdivision, one by the veteran, and the third by the two so selected. In the event the two persons so selected do not appoint the third person within ten days after the appointment of the last of the two, then the judge of the district court of the county wherein the proceeding is pending, or if there be more than one judge in said county then any judge in chambers, shall have jurisdiction to appoint, and upon application of either or both of the two so selected shall appoint, the third person to the board and the person so appointed by the judge with the two first selected shall constitute the board. The veteran may appeal from the decision of the board upon the charges to the district court by causing written notice of appeal, stating the grounds thereof, to be served upon the governmental subdivision or officer making the charges within 15 days after notice of the decision and by filing the original notice of appeal with proof of service thereof in the office of the clerk of the district court within ten days after service thereof. Nothing in sections 197.45 and 197.46 shall be construed to apply to the position of private secretary, teacher, superintendent of schools, or one chief deputy of any elected official or head of a department, or to any person holding a strictly confidential relation to the appointing officer. The burden of establishing such relationship shall be upon the appointing officer in all proceedings and actions relating thereto.

All officers, boards, commissions, and employees shall conform to, comply with, and aid in all proper ways in carrying into effect the provisions of sections 197.45 and 197.46. Any willful violation of such sections by officers, officials, or employees is a misdemeanor.

[1907 c 263 s 2; 1917 c 499 s 1; 1919 c 14 s 1; 1919 c 192 s 2; 1937 c 121; Ex1937 c 6 s 2; 1943 c 230 s 2; 1945 c 502 s 2; 1961 c 566 s 1; 1974 c 549 s 1] (4369)

NOTE: See note to Section 197.45.

197.47 VETERANS PREFERENCE ACT. The provisions of sections 197.45 and 197.46, known as the "Veterans' Preference Law," shall apply to and govern any appointment, employment, promotion, and removal of all employees of the state and of all other governmental agencies within the state enumerated in said sections, notwithstanding any provision to the contrary in any other existing law or in any city charter relating thereto.

[1931 c. 347 s. 1] (4369-1)

NOTE: See note to Section 197.45.

197.48 APPLICATION. No provision of any subsequent act relating to any such appointment, employment, promotion, or removal shall be construed as inconsistent herewith or with any provision of sections 197.45 and 197.46 unless and except

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only so far as expressly provided in such subsequent act that the provisions of these sections shall not be applicable or shall be superseded, modified, amended, or repealed. Every city charter provision hereafter adopted which is inconsistent herewith or with any provision of these sections shall be void to the extent of such inconsistency.

[1931 c. 347 s. 2] (4369-2)

NOTE: See note to Section 197.45.

197.481 ENFORCEMENT. Subdivision 1. **Petition.** A veteran who has been denied rights by the state or any political subdivision, municipality, or other public agency of the state under sections 43.30, 197.45, 197.46, 197.47, and 197.48 may petition the commissioner of veterans affairs for an order directing the agency to grant the veteran such relief the commissioner finds justified by said statutes.

The petition shall contain:

- (1) The name, address and acknowledged signature of the veteran.
- (2) The names and addresses of all agencies and persons that will be directly affected if the petition is granted.
- (3) A concise statement of the facts giving rise to the veteran's rights and a concise statement showing the manner in which rights were denied.
- (4) A statement of the relief requested.

Subd. 2. **Service.** Upon receipt of a petition herein, the commissioner shall serve a copy of same, by registered mail, on all agencies and persons named therein and on such other agencies or persons as in the judgment of the commissioner should in justice be parties to the proceeding. The veteran and all agencies and persons served shall be parties to the proceeding.

Subd. 3. **Subpoenas.** The commissioner shall have free access to relevant records of all parties and may issue subpoenas for and compel the attendance of witnesses and the giving of testimony and the production of books, records, accounts, documents and papers; and may administer oaths to witnesses. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or produce any books, records, accounts, documents or papers relevant in the matter under consideration, after having been lawfully required by subpoena, any judge of the district court in any county of the state where the subpoena was made returnable, on application of the commissioner, shall compel obedience or punish disobedience as for contempt as in the case of disobedience of a similar subpoena issued by such court.

Subd. 4. **Hearing.** The commissioner shall hold a hearing on the petition of any party within 20 days of serving, or being served with the petition. The veteran may demand an opportunity to be heard at a time set by the commissioner. A party who fails to demand such hearing within 20 days shall be heard only by permission of the commissioner, except that if any party demands to be heard all parties shall have the right to be heard. A hearing hereunder shall be conducted and orders issued in accord with sections 15.0418, 15.0419 and 15.0422, at the office of the commissioner or at a place he designates. The commissioner shall notify all parties, by mail, of the time and place of the hearing.

Subd. 5. **Personnel.** The commissioner may appoint a hearing officer to act in his stead and to employ such other personnel as are necessary to investigate facts in cases brought under this section.

Subd. 6. **Appeals.** Appeals of orders issued under this section shall be to the Ramsey county district court in accord with section 15.0424 and to the supreme court as provided in section 15.0426; the scope of judicial review shall be as prescribed by section 15.0425.

Subd. 7. **Representation.** If a veteran receives a favorable decision hereunder and (a) a party to the proceeding appeals such decision to the district court or (b) if an action attacking the decision is begun, the commissioner shall become a party in such appeal or action and with the aid of the attorney general represent the veteran therein.

[1973 c 570 s 1 subds 1-7]

197.49 INSURANCE BENEFITS OF DECEASED TO PASS TO NEXT OF KIN ON DISAPPEARANCE OF SPOUSE OF VETERAN. When a resident of the state shall have died intestate when serving in the military or naval forces of the United States of America during the world war, and whose spouse shall have deserted him

prior to his enlistment, and the whereabouts of the spouse shall have been unknown for a period of 20 years or more last past, then such spouse shall be presumed to have pre-deceased him, and any and all benefits due and payable to his estate under and by virtue of any war risk insurance act or acts amendatory thereto shall descend to the next of kin as of the date of the death of any such enlisted person, and such estate shall be distributed as provided by the laws of the state for the distribution of the estate of persons dying intestate.

[*Ex 1937 c 13 s 1*] (*4397-28*)

197.50 [Repealed, 1965 c 45 s 73]

197.51 [Repealed, 1965 c 45 s 73]

197.52 [Repealed, 1965 c 45 s 73]

197.53 [Repealed, 1969 c 275 s 12]

197.54 [Repealed, 1961 c 561 s 17]

197.55 QUARTERS FOR MEETINGS OF VETERANS ORGANIZATIONS.

The governor of this state, or any other legal custodian of public buildings within the state, shall, when not inconsistent with the public interests to set aside any portion of the public buildings for the use and occupation as quarters and places for holding their stated or special meetings or assemblies, to all posts of the grand army of the republic, commanderies of the loyal legion, camps or posts of the veterans of the Philippine or Spanish-American wars, and any other post, commandery, camp or association, local or state, of veterans of any war in which the United States has been engaged, which may be organized in the city, town or county in which the building or buildings may be situated. Upon 20 days written notice, duly served upon the proper officer or officers of any said organizations, by the governor or any other legal custodian, that the public buildings, rooms, or quarters are required for public use, the same shall be promptly and quietly vacated.

[*1905 c. 37 s. 1; 1911 c. 107 s. 1*] (*4382*)

197.56 USE OF QUARTERS. Such organization shall have the equal and free use of all such quarters, under such rules and regulations and upon such conditions as may be prescribed by the governor or by such custodian. All reasonable and proper facilities, so far as possible, shall at all times be furnished therein by any local post, commandery, camp, or association, which may occupy the same, for any state or national gathering of war veterans.

[*1905 c. 37 s. 2*] (*4383*)

197.57 QUARTERS, HOW MAINTAINED. Such quarters shall be furnished and maintained at the expense of such organizations as may occupy them under the provisions of section 197.55; provided, that if the building in which such quarters are assigned is heated and lighted at public expense, these quarters shall be so heated and lighted without cost to the organizations.

[*1905 c. 37 s. 3*] (*4384*)

197.58 STATE TO PROVIDE SPACE FOR VETERAN ORGANIZATIONS.

The commissioner of administration shall set apart space in the state veterans service building, for the use of each of the following veteran organizations: the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state. Such space shall be under the charge of the Minnesota state commander of the department of Minnesota of the veteran organization assigned thereto, and such person as he may in writing designate, and shall be used for the purpose of keeping therein records, archives, trophies, supplies, and other veteran property of the organization and as its general headquarters office for the department of Minnesota.

[*1929 c 434; 1969 c 275 s 8*] (*4384-2*)

197.59 HAWKING OR PEDDLING; EXEMPTION FROM LICENSE FEES; MUNICIPAL LICENSING; PENALTY FOR UNLAWFUL ISSUANCE OF LICENSE.

No license fee or other charge provided by any law of the state shall be required by any veteran for the privilege of hawking or peddling goods and merchandise, not prohibited by law or ordinance, in the county where he has established a bona fide residence, solely upon his own account. Nothing herein contained prevents any city, or other municipality from levying and collecting such license fees for hawking or peddling within its corporate limits. Upon application therefor, accompanied by proof of such discharge, to any clerk or other officer authorized to

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issue such license, the same shall forthwith be granted. Every such clerk or other officer issuing such license shall ascertain that the applicant is entitled thereto; and any such clerk or other officer issuing a license to any person who is not entitled to receive one under the provisions of this section shall be guilty of a misdemeanor. Every violation hereof is a misdemeanor, the minimum punishment whereof is a fine of \$10.

[*R L s 1849; 1907 c 393 s 1; 1917 c 230 s 1; 1919 c 415 s 1; 1921 c 434 s 1; 1925 c 236 s 1; 1935 c 281 s 1; 1947 c 170 s 1; 1953 c 699 s 7; 1955 c 4 s 2; 1973 c 123 art 5 s 7*] (4367)

197.60 VETERANS SERVICE OFFICERS; APPOINTMENT; COMPENSATION. Subdivision 1. The county board of any county, or the county boards of any two or more counties acting pursuant to the provisions of section 197.602, may appoint a veterans service officer and may provide necessary clerical help, office space, equipment, and supplies for him, together with reimbursement for mileage and other traveling expenses necessarily incurred in the performance of his duties; and may appoint one or more assistant veterans service officers who shall have the qualifications prescribed in section 197.601, subdivision 1. The assistant veterans service officer may exercise all the powers, and shall perform the duties, of the veterans service officer, subject to his direction and control, and shall be subject to all the provisions of sections 197.60 to 197.606 relating to a veterans service officer. Every county officer and agency shall cooperate with the veterans service officer and shall provide him with information necessary in connection with the performance of his duties.

Subd. 2. Except as otherwise prescribed in sections 197.60 to 197.606, the term of appointment of a veterans service officer appointed pursuant to this section shall be for four years with the first twelve months being a probationary period, unless removed for cause upon written charges and after a hearing thereon.

Subd. 3. Except as otherwise prescribed in sections 197.60 to 197.606, the county board shall fix the compensation of the veterans service officer and assistant veterans service officers which shall be paid in the same manner and at the same time as the county officers. The county board may fix the compensation of the veterans service officer at a level commensurate with other county officials with the same level of responsibility.

Subd. 4. In each county employing a veterans service officer, the county board may levy a tax annually sufficient to defray the estimated cost of all salaries and expenses necessarily incident to the performance by the veterans service officer of his duties during the succeeding year, and to make up any deficiency in the fund raised for that purpose during the preceding year in any county which has a population of 150,000 or less. The tax so levied may be levied in excess of and over and above all taxing limitations, including, but not restricted to, limitations based upon population or mill rates.

[*1945 c 96 s 1; 1947 c 408 s 1; 1949 c 583 s 1; 1973 c 350 s 1-3*]

197.601 QUALIFICATIONS OF VETERANS SERVICE OFFICERS. No person shall be appointed a veterans service officer under sections 197.60 to 197.606 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) Veteran as defined in section 197.447;

(4) Education and training for the duties of veterans service officer;

(5) Knowledge of the law and the regulations and rulings of the United States Veterans Administration applicable to cases before it and the administration thereof.

[*1945 c 96 s 2; 1953 c 699 s 8; 1955 c 4 s 4*]

197.602 JOINT ACTION BY TWO OR MORE COUNTIES. The county boards of two or more contiguous counties may make a written agreement, executed on behalf of the several county boards by the respective chairmen and secretaries thereof, whereby the counties may jointly employ a veterans service officer. The agreement shall specify the compensation to be paid to the veterans service officer, the amount thereof to be paid by each county, the number of days per month to be worked by him in each county, the percentage of the total amount of compensation to be paid by each county, the amount of travel and other expenses to be

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paid by each county, and such other terms and conditions as may be agreed upon by the counties.

[1945 c. 96 s. 3]

197.603 DUTIES. It shall be the duty of the veterans service officer to aid all residents of the governmental subdivision by which he is employed in securing benefits provided by law on account of the service of any person in the armed forces of the United States, from which he has a discharge other than dishonorable. The veterans service officer shall aid all veterans who are residents of the governmental subdivision by which he is employed, regardless of the nature of discharge, in securing counseling or treatment concerning alcohol and drug dependency and abuse.

[1945 c 96 s 4; 1973 c 572 s 9]

197.604 UNLAWFUL TO PAY FEE. Subdivision 1. It shall be unlawful for any person to pay any veterans service officer or any employee under him or for any veterans service officer or employee under him to receive any fee directly or indirectly for any service rendered in securing any benefit referred to in section 197.603.

Subd. 2. Any person who shall commit an act unlawful under subdivision 1 of this section shall be guilty of a gross misdemeanor.

[1945 c. 96 s. 5]

197.605 SUPERVISION. Subdivision 1. Every veterans service officer appointed under sections 197.60 to 197.606 shall be under the general supervision of the commissioner of veterans' affairs as to methods of operation.

Subd. 2. Every veterans service officer appointed under sections 197.60 to 197.606 shall use the department of veterans affairs or any organization recognized by the United States Veterans Administration, as may be designated by the veteran by power of attorney, in the presentation of claims to the United States Veterans' Administration for the benefits referred to in section 197.603.

Subd. 3. The commissioner of veterans affairs shall have authority to prescribe such rules or regulations as are necessary for compliance with this section and the efficient uniform administration of sections 197.60 to 197.606. Such rules or regulations shall not apply to the appointment, tenure, compensation, or working conditions of a veterans service officer appointed under sections 197.60 to 197.606.

[1945 c. 96 s. 6]

197.606 CLASSED AS COUNTY EMPLOYEES. Veterans service officers and assistant veterans service officers appointed under sections 197.60 to 197.606 are employees of the counties by which they are employed, and are under the exclusive jurisdiction and control of such counties and the department of veterans affairs as herein provided.

[1945 c. 96 s. 7]

197.607 [Expired]

197.63 VITAL STATISTICS RECORDS, CERTIFIED COPIES. Subdivision 1. **Issuance without charge.** A certified copy of a birth, death, marriage, divorce record, or certified copy of veteran's discharge recorded pursuant to Minnesota Statutes 1945, Section 336.20, shall be issued promptly by the officer charged with the keeping of such records upon the request of, and without any charge to, any veteran, the surviving spouse or next of kin thereof, service officers of any veterans organization chartered by the Congress of the United States, or the Department of Veterans Affairs, for use in the presentation of claims to the United States Veterans Administration or in connection with any such veterans organization or the Department of Veterans Affairs. The word "veteran" as used in this section means any man or woman who is a veteran as defined in Minnesota Statutes 1949, Section 197.45, and who is a citizen of the United States.

Subd. 2. **Payment of fees.** When the salary of the officer issuing a certified copy under this section consists in whole or in part of fees authorized by law, such officer shall be paid the legal fee therefor by the governmental subdivision of which he is an officer, and the governing body thereof is authorized and directed to order such payment made from the general revenue funds thereof.

[1945 c 19 s 1, 2; 1947 c 169 s 1; 1953 c 699 s 9]

197.64 VETERANS REFERRAL CENTER. Subdivision 1. Any city of the second class may appropriate not more than \$4,000 in any one year for the main-

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tenance of a veterans referral center operated under the direction of a bona fide county veterans service committee; in the event any such city makes such appropriation, the county board of the county wherein such city is located may by resolution appropriate for the maintenance of such veterans referral center not more than \$8,000 in any one year, and the governing body of any such city and such county may make a written agreement or agreements fixing the percentage of the total cost and expense of maintaining such veterans referral center to be paid by each.

Subd. 2. All officers and employees of, and all other persons serving in or acting for or on behalf of, such veterans referral center who shall aid, or undertake to aid, any resident of such county in securing benefits provided by law on account of the service of any person in the Army, Navy or Marine Corps from which he has a discharge other than dishonorable, shall be under the general supervision of the Commissioner of Veterans Affairs as to methods of operation and shall be subject to the requirements, restrictions, and penalties of, and shall comply with, the provisions of Laws 1945, Chapter 96, Sections 5, 6, in the same respect and to the same extent as veterans service officers and their employees are subject to, and are governed by, said provisions.

Subd. 3. In the event the county board of any such county appoints a veterans service officer, such veterans referral center and all officers and employees thereof and all other persons serving in or acting for or on behalf of such veterans referral center who shall aid, or undertake to aid, any resident of such county in securing benefits provided by law on account of the service of any person in the armed forces of the United States from which he has a discharge other than dishonorable or any person associated with the veterans referral center acting to aid veterans regardless of the nature of discharge in securing counseling or treatment concerning alcohol or other drug dependency or abuse shall be subject to the direction and control of the veterans service officer.

[1945 c 499 s 1; 1959 c 58 s 1; 1973 c 572 s 10]

197.71 [Repealed, 1969 c 275 s 12]

197.72 [Repealed, 1969 c 275 s 12]

197.73 [Repealed, 1969 c 275 s 12]

197.74 [Repealed, 1969 c 275 s 12]

197.75 EXPENDITURES, LIMITATION. Subdivision 1. The commissioner of veterans affairs shall spend a biennial appropriation for tuition of soldiers, and for tuition, fees, board, room, books and supplies of the children of soldiers who have died as a result of their service in the military or naval forces of the United States as determined by the United States Veterans Administration or other instrumentality of the United States, in the university of Minnesota, a state college, a community college, or any other college of higher learning within the state accredited by the North Central Association of Colleges and Secondary Schools, a law college approved by the supreme court, a nursing school approved by the state nurses examining board, or in a trade school in the state which may be approved by the state department of education, or in a theological seminary, for any course which such soldier or child may elect. Not more than \$250 shall be expended for the benefit of any individual soldier, and not more than \$250 in any calendar year shall be expended for the benefit of any child under this section, and that need therefor shall be established and determined by the commissioner of veterans affairs. No child of any soldier shall make application for the benefits provided herein unless such child shall have resided in Minnesota for at least two years immediately prior to the date of said application. Children of soldiers eligible for benefits hereunder shall be admitted to state institutions of college grade free of tuition. Payments of tuition as provided for herein shall be made by the commissioner of veterans affairs directly to the institution in which the course of instruction is given upon such conditions as shall be imposed by the commissioner of veterans affairs.

Subd. 2. None of the provisions of subdivision 1, shall be made available to any soldier who is entitled to the same or similar benefits under any law of the United States, rule or regulation of any department thereof, now in force or hereafter created, unless said soldier shall have exhausted the benefits he is entitled to under the laws of the United States, in which event he shall be entitled to the benefits provided for by subdivision 1.

Subd. 3. Each such institution shall certify to the commissioner of veterans

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affairs of the state the names of all applicants for benefits under this section who have presented to such institution an honorable discharge from the armed forces of the United States or proof of the service of the parent of such applicant.

Subd. 4. Each such institution shall make triplicate lists of such applicants, showing the name of each applicant, the course selected, and the charge for tuition for such course which shall be not more than the regular charge, and file the same with the commissioner of veterans affairs, who shall check such lists with such records as are on file in his office or as can be procured from reliable sources; the commissioner of veterans affairs shall thereupon certify to such institution the names of the applicants on such lists who are eligible for the benefits provided for in this section. At the end of each semester or term, each institution shall certify one of such lists certified to such institution by the commissioner of veterans affairs, showing the period each student listed thereon has attended and the proportion and amount of tuition applicable to such semester or term, and file the same with the commissioner of veterans affairs, who shall check such list and, if correct, authorize payment of the amounts due thereon in the manner provided by law.

Subd. 5. The word "soldier" as used in this section means any person honorably discharged from the armed forces of the United States who served in the Civil War, Spanish American War, Philippine Insurrection, China Relief Expedition, World War I between April 6, 1917 and November 11, 1918, both dates inclusive, on or after December 7, 1941 until final cessation of all hostilities as determined by the proper state authorities in order to give recognition for service performed in the following hostile actions: World War II, Korean conflict, Lebanon crisis, Berlin crisis, Quemoy and Matsu, Taiwan Straits, Cuban crisis, the Congo, Laos, the Dominican Republic and Vietnam, and to include service therein but not to exclude persons who did not have service in those areas. Such soldier shall have been a resident of the state of Minnesota at the time he was commissioned, enlisted, inducted, appointed, or mustered into the military or naval service. The word "soldier" includes a person having continuous service for not less than 90 days unless terminated sooner by disability due to service in the military or naval forces, but does not include a person enlisted and accepted for active training only for a period of six months or less.

[1943 c 663 s 5; 1945 c 235 s 2; 1947 c 176 s 2, 3; 1953 c 108 s 1; 1955 c 45 s 1; 1957 c 576 s 1, 2; 1957 c 258 s 2; 1969 c 275 s 9, 10; 1971 c 24 s 16; 1971 c 97 s 1-3; 1973 c 349 s 2]

197.751 [Repealed, 1969 c 275 s 12]

197.76 [Repealed, 1969 c 275 s 12]

197.77 [Repealed, 1969 c 275 s 12]

197.78 STATE EDUCATIONAL PROGRAMS UNAVAILABLE THROUGH FEDERAL PROGRAMS. The state board of education shall foster and support educational programs for the benefit of veterans to assure that no Minnesotan shall be deprived of his earned veterans benefits by virtue of the unavailability of programs for which the veteran is entitled to enroll and receive subsistence, tuition, and other benefits under federal programs. It shall be the responsibility of the state board to measure the demand for veterans service educational programs based on the criteria mandated by federal veterans benefits laws and to authorize, promote, and make grants within appropriated amounts to assure such program availability.

[1973 c 580 s 1]

197.80 [Repealed, 1965 c 45 s 73]

197.81 [Repealed, 1965 c 45 s 73]

197.82 [Repealed, 1965 c 45 s 73]

197.83 [Repealed, 1965 c 45 s 73]

197.84 [Repealed, 1965 c 45 s 73]

197.85 [Repealed, 1965 c 45 s 73]

197.851 [Repealed, 1965 c 45 s 73]

197.852 [Repealed, 1965 c 45 s 73]

197.86 [Repealed, 1965 c 45 s 73]

197.87 [Repealed, 1965 c 45 s 73]

197.88 [Repealed, 1965 c 45 s 73]

197.89 [Repealed, 1965 c 45 s 73]

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197.90 [Repealed, 1965 c 45 s 73]

197.91 [Repealed, 1965 c 45 s 73]

197.92 [Repealed, 1965 c 45 s 73]

197.93 [Repealed, 1965 c 45 s 73]

197.94 [Repealed, 1965 c 45 s 73]

197.95 [Repealed, 1965 c 45 s 73]

197.96 [Repealed, 1965 c 45 s 73]

197.97 [Repealed, 1965 c 45 s 73]

197.971 VIETNAM VETERANS BONUS, DEFINITIONS. Subdivision 1. For the purposes of sections 197.971 to 197.986, unless the context clearly indicates otherwise, the words, terms and phrases defined in this section shall have the meanings ascribed to them.

Subd. 2. "Applicant" means a veteran or his guardian, or a beneficiary or his guardian, eligible for adjusted compensation payments, who has filed an application therefor with the commissioner.

Subd. 3. "Armed forces" means United States Army, Navy, Marine Corps, Coast Guard or the Air Force.

Subd. 4. "Beneficiary" means in relation to a deceased veteran the surviving spouse if not remarried, the children of the veteran if no surviving spouse or if surviving spouse has remarried, the remarried surviving spouse if veteran left no children surviving, the surviving mother, the surviving father, a surviving person standing in loco parentis, in the order named.

Subd. 5. "Board" means a veterans affairs review board appointed pursuant to sections 197.971 to 197.986, and authorized to review determinations made by the commissioner.

Subd. 6. "Commissioner" means the commissioner of veterans affairs.

Subd. 7. "Guardian" means the legally appointed representative of a minor or incompetent, or the chief officer of any hospital or institution in which the minor or incompetent is placed if such officer is authorized to accept moneys for the benefit of the minor or incompetent, or the person determined by the commissioner to be the person who is legally charged with the responsibility for the care of the minor or incompetent or the person determined by the commissioner to be the person who has assumed the responsibility for the care of the minor or incompetent.

Subd. 8. "Honorable service" means such service in the armed forces as is evidenced by

1. An honorable discharge; or
2. A general discharge under honorable conditions; or
3. In the case of an officer, a certificate of honorable service; or
4. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable.

Subd. 9. "Resident" means a person who was a resident of the state of Minnesota at the time of induction into the armed forces and had been a resident of this state during the six months immediately preceding his induction. The rules for determining residency with regard to voter eligibility shall govern the determination of residency for purposes of sections 197.971 to 197.986.

Subd. 10. "Veteran" means a resident who served honorably on active duty in the armed forces. The term "veteran" shall not include any member of the national guard or the reserve components of the armed forces ordered to active duty for the sole purpose of training.

[1973 c 204 s 1]

197.972 ADJUSTED COMPENSATION. Each veteran who became eligible for the Vietnam Expeditionary Medal or the Vietnam Service Medal as the result of service between July 1, 1958 and July 27, 1973 shall be paid adjusted compensation by the state of Minnesota. The amount of the compensation paid to a veteran eligible for these medals shall be \$300 plus \$15 for each month or major fraction of a month of active duty served by the veteran between July 1, 1958 and July 27, 1973. The maximum payment of adjusted compensation for these veterans shall be \$600.

All other veterans who served on active duty during the period between August 5, 1964 and January 27, 1973 shall be paid adjusted compensation by the state of

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Minnesota in an amount equal to \$15 for each month or major fraction of a month service on active duty during this period. The maximum payment to these veterans shall be \$300 and the minimum payment shall be \$100. Any veteran who was a prisoner of war or missing in action shall receive the sum of \$1,000 in lieu of all other payments. If the veteran is deceased, payment shall be made to his beneficiary. The beneficiary of a veteran who died from service connected causes which arose during the period of time in which the veteran could become eligible for adjusted compensation, shall receive the sum of \$1,000 in lieu of all other payments. No payment shall be made to any veteran or beneficiary who has an application pending for, or received, or is eligible to receive, a similar payment from another state.

[1973 c 204 s 2]

197.973 APPLICATIONS. Each veteran or his beneficiary entitled to adjusted compensation may make application therefor to the commissioner, which shall be made upon a form prescribed by the commissioner and verified by the applicant; provided that if the veteran be incompetent or his beneficiary be a minor or an incompetent application shall be made by his guardian. Each application shall be accompanied by such evidence of honorable service during the period of service, and such other information and evidence, all as the commissioner may require.

[1973 c 204 s 3]

197.974 ALLOWANCES. Subdivision 1. Upon submission of proof satisfactory to the commissioner that an applicant is entitled to payment under sections 197.971 to 197.986, the commissioner shall compute the amount of the adjusted compensation and pay the same to the person entitled thereto. Payment of the adjusted compensation shall not be made by the commissioner until the expiration of the time for demanding a review, unless the applicant shall file with the commissioner an acceptance, in writing, of the amount of adjusted compensation due the applicant as determined by the commissioner. The filing of the acceptance shall be a waiver of the applicant of his right of review. If a demand for review is made by the applicant, the commissioner shall not pay any adjusted compensation to him until the board has made its order.

Subd. 2. Any payment of adjusted compensation to a guardian shall be held and used solely for the benefit of the minor or incompetent.

[1973 c 204 s 4]

197.975 VETERANS ADJUSTED COMPENSATION FUND. Subdivision 1. All payments of adjusted compensation and expenses of administering, shall be paid from the veterans adjusted compensation fund, which is hereby created in the state treasury. All money appropriated or made available from any source for the purpose of paying adjusted compensation shall be deposited to the credit of such fund. All moneys in the veterans adjusted compensation fund are hereby appropriated for the purposes of sections 197.971 to 197.986.

Subd. 2. All payments of adjusted compensation and the administrative expenses incurred in connection therewith shall be paid from the veterans adjusted compensation fund.

Subd. 3. The proceeds of the bonds issued pursuant to sections 197.985 and 197.986 shall be deposited in the veterans adjusted compensation fund and all money in such fund is appropriated to the commissioner of veterans affairs for the purpose of meeting the obligations imposed by sections 197.971 to 197.986. The commissioner is hereby authorized to accept applications for payment of a bonus to those entitled thereto within six months after May 12, 1973, with payments to commence no later than one year after May 12, 1973. There is appropriated from the general fund the sum of \$100,000 to be deposited in the veterans adjusted compensation fund for the commissioner of veterans affairs, to implement the administration of sections 197.971 to 197.986 effective upon passage of sections 197.971 to 197.986. The commissioner of administration is hereby authorized to allocate such additional funds as should be necessary for the cost of administration of sections 197.971 to 197.986 as required.

[1973 c 204 s 5]

197.976 COMMISSIONER OF VETERANS AFFAIRS; POWERS AND DUTIES. Subdivision 1. The commissioner shall administer the provisions of sections 197.971 to 197.986.

Subd. 2. The commissioner is empowered to and shall determine who is the beneficiary of a deceased veteran, and determine who is the person who has as-

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sumed the responsibility for the care of a minor or incompetent. This subdivision does not limit the authority of the commissioner to make any other determination incident to the administration of sections 197.971 to 197.986.

[1973 c 204 s 6]

197.977 APPEALS. Whenever the commissioner has determined the amount of adjusted compensation to be due an applicant, or that the claim of any applicant be disallowed, he shall promptly notify the applicant thereof. Any applicant aggrieved by any determination of the commissioner may demand of the commissioner that the claim be reviewed by a board. Any demand for review shall be filed with the commissioner, in writing, within 60 days after the commissioner has mailed notice to the applicant of his determination. Upon receipt of a demand for review, the commissioner shall certify the demand, together with all files and records relating to the claim, to a board. Unless a demand for review as hereinabove provided is filed with the commissioner by an applicant, all orders, decisions and acts of the commissioner with reference to the claim of the applicant shall be final and conclusive upon the applicant.

[1973 c 204 s 7]

197.978 BOARD OF REVIEW. Subdivision 1. The governor is authorized to appoint a board and such additional boards as may be recommended to him by the commissioner. Each board shall consist of three veterans, one of whom shall be designated as chairman at the time of appointment. Each member shall hold office at the pleasure of the governor. Each board shall sit during such times and at such places as may be determined by the commissioner. Each member of a board shall be paid as compensation \$35 per day and subsistence and traveling expenses, while actually engaged in his duties as a board member.

Subd. 2. When a determination of the commissioner comes before a board for review, the board is empowered to examine and determine the claim of the applicant for adjusted compensation. The board may hold public hearings and an applicant shall have the right to a public hearing if he so requests. The board may conduct its own investigations and may require any applicant to submit evidence in support of his claim.

Subd. 3. Upon receipt from the commissioner of the files and records relating to the claim of an applicant, the board shall fix a time and place for hearing thereon, shall notify the applicant thereof, and shall inquire of him whether he desires a public hearing. At the hearing upon the claim of the applicant for adjusted compensation, the board shall consider the results of its investigations, if any, the evidence submitted by the applicant in support of his claim, and as soon thereafter as possible make its order granting or disallowing the claim of the applicant, and, if the claim is granted, fixing the amount to which the applicant is entitled. The decision and order of the board shall be final and conclusive. The board shall mail copies of said order to the applicant and to the commissioner. The commissioner, upon receipt of an order of the board allowing a claim, shall forthwith pay the same.

[1973 c 204 s 8]

197.979 NOTICES. All notices and correspondence to the applicant shall be directed to him by mail at the address listed in his application, and all notices and correspondence to the commissioner shall be addressed to him at his office in the city of St. Paul.

[1973 c 204 s 9]

197.98 EMPLOYEES. The commissioner shall furnish each board such clerical and stenographic assistance and such supplies as are necessary for the performance of the duties imposed by sections 197.971 to 197.986.

[1973 c 204 s 10]

197.981 RULES AND REGULATIONS. The commissioner is authorized to adopt such rules and regulations as he deems necessary to carry out the terms of sections 197.971 to 197.986.

[1973 c 204 s 11]

197.982 DECLARATION OF POLICY. Subdivision 1. The payments of adjusted compensation provided for by sections 197.971 to 197.986 are declared by the legislature to be gifts or gratuities given as a token of appreciation for eligible veterans and are not compensation for services rendered. Such payments shall be exempt from taxation.

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Subd. 2. The commissioner may employ such assistance and may incur such other expense as may be necessary to carry out the provisions of sections 197.971 to 197.986, and the funds necessary therefor are hereby appropriated to the commissioner from the veterans adjusted compensation fund.

Subd. 3. Whenever possible, the commissioner shall give preference in the employment of persons to be paid from said fund to veterans, and the provisions of chapter 43, shall not apply to sections 197.971 to 197.986.

[1973 c 204 s 12]

197.983 NON-ASSIGNABLE; EXCEPTED FROM PROCESS. No claim for payment under sections 197.971 to 197.986, shall be assignable, or subject to garnishment, attachment or levy of execution.

[1973 c 204 s 13]

197.984 PENAL PROVISIONS. Any person who shall knowingly make a false statement, oral or written, relating to a material fact in support of a claim for adjusted compensation under the provisions of sections 197.971 to 197.986, shall be guilty of a gross misdemeanor.

[1973 c 204 s 14]

197.985 VETERANS BONUS BOND ISSUE. For the purpose of providing the moneys appropriated by sections 197.971 to 197.986 from the veterans adjusted compensation fund to the commissioner of veterans affairs for the payment of the Vietnam veterans bonus and meeting other obligations imposed by sections 197.971 to 197.986, the commissioner of finance is authorized upon request of the governor to sell and issue Minnesota state Vietnam veterans bonus bonds in the amount of \$60,000,000, for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. The proceeds of such bonds are appropriated and shall be credited to the veterans adjusted compensation fund, except that any accrued interest and premium received upon the sale thereof is appropriated and shall be credited to a separate bookkeeping account to be maintained in the state bond fund and designated as the Minnesota state Vietnam veterans bonus bond account. The bonds shall be issued, sold, executed, authenticated, and secured in the same manner as provided for Minnesota state building bonds in Minnesota Statutes 1971, Section 6.31, except that the expenses thereof shall be paid and the amounts necessary therefor are appropriated from the veterans adjusted compensation fund, and all money appropriated and taxes levied for the payment of the bonds shall be credited to the Minnesota state Vietnam veterans bonus bond account. The bonds are further secured by the provisions of Article IX, Section 6 and Article XX of the Constitution.

[1973 c 204 s 15; 1973 c 492 s 14]

197.986 VETERANS BONUS BOND ACCOUNT. In order to reduce the amount of taxes otherwise required by the Constitution, Article IX, Section 6, Subdivision 4, to be levied for the payment of interest and principal on the bonds authorized by sections 197.971 to 197.986, there is hereby appropriated annually to the veteran's bonus bond account in the state bond fund from the general fund in the state treasury a sum of money sufficient in amount, when added to the balance on hand on November 1 in each year in the veteran's bonus bond account, to pay all principal and interest due and to become due on said bonds within the then ensuing year and to and including July 1 in the second ensuing year. The moneys received and on hand pursuant to the appropriation annually made by this section are available in the state bond fund prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4, and shall be used to reduce the amount of tax otherwise required to be levied.

[1973 c 204 s 16]