

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 182.669 OCCUPATIONAL SAFETY AND HEALTH

plaint, the commissioner shall cause such investigation to be made as he deems appropriate. If upon such investigation the commissioner determines that a discriminatory act was committed against an employee he shall bring an action against the employer in the district court in the county where the alleged discrimination occurred or in a county where the employer transacts business. The district court may order rehiring of the employee, reinstatement of his former position, fringe benefits, seniority rights, back pay, recovery of compensatory damages, and reasonable attorney fees, or other appropriate relief. Nothing in this section precludes an employee from bringing an action for relief under this section or any other provision of law.

**Subd. 2.** [Repealed, 1975 c 343 s 2]

**Subd. 3.** [Repealed, 1975 c 343 s 2]

**Subd. 4.** [Repealed, 1975 c 343 s 2]

**Subd. 5.** [Repealed, 1975 c 343 s 2]

**Subd. 6.** [Repealed, 1975 c 343 s 2]

[1975 c 343 s 1]

## CHAPTER 184. EMPLOYMENT AGENCIES

Sec.

**184.23** Advisory board created.

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Subdivision 1. There is created a board to be known as the employment agency advisory board whose duty shall be to advise the department as to the administration of the provisions of sections 184.21 to 184.40. Such board shall consist of nine members, appointed by the commissioner of labor and industry. A majority of those selected shall be actually engaged as an owner or manager of an employment agency licensed by the state of Minnesota for a period of three years immediately preceding the time of their appointment.

**Subd. 2.** [Repealed, 1975 c 315 s 26]

Subd. 3. The board shall meet at the call of the commissioner and advise and consult on all major policy matters relating to the licensing of an employment agent or counselor. The board shall elect annually from its members a chairman, vice chairman and secretary. The board is also authorized to conduct its own meetings at the call of the chairman. The board shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

[1975 c 315 s 15,16]

## CHAPTER 190. THE MILITARY FORCES

Sec.

**190.31** Repealed.

**190.31** [Repealed, 1975 c 432 s 97]

## CHAPTER 197. VETERANS; REWARDS; PRIVILEGES

Sec.

**197.45** Repealed.  
**197.455** State law applicable. [New]  
**197.46** Veterans preference act; removal forbidden; right of mandamus.  
**197.47** Repealed.  
**197.481** Enforcement.  
**197.971** Vietnam veterans bonus, definitions.

Sec.

**197.972** Adjusted compensation.  
**197.973** Applications.  
**197.976** Commissioner of veterans affairs; powers and duties.  
**197.977** Appeals.  
**197.978** Board of review.

**197.45** [Repealed, 1975 c 45 s 7]

**197.455** State law applicable.

The provisions of section 43.30 granting preference to veterans in the state civil service shall also govern preference of a veteran under the civil ser-

**VETERANS; REWARDS; PRIVILEGES 197.46**

vice laws, charter provisions, ordinances, rules or regulations of a county, city, town, school district, or other municipality or political subdivision of this state, except that a notice of rejection stating the reasons for rejection of a qualified veteran shall be filed with the appropriate local personnel officer. Any provision in a law, charter, ordinance, rule or regulation contrary to the applicable provisions of section 43.30 is void to the extent of such inconsistency. Sections 197.46 to 197.48 shall not apply to state civil service.

[1975 c 45 s 4]

**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 several counties, cities, towns, school districts and all other political subdivisions in the state, who is a veteran separated from the military service under honorable conditions, 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 197.455 or 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 197.455 and 197.46 notwithstanding any laws, charter provisions, ordinances or rules to the contrary. Any wilful violation of such sections by officers, officials, or employees is a misdemeanor.

[1975 c 45 s 5]

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## 197.47 VETERANS; REWARDS; PRIVILEGES

197.47 [Repealed, 1975 c 45 s 7]

### 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, 197.46, 197.48 or 197.455 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.

[1975 c 45 s 6]

[For text of subs 2 to 7, see M.S.1974]

### 197.971 Vietnam veterans bonus, definitions.

[For text of subd 1, see M.S.1974]

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

[For text of subd 3, see M.S.1974]

Subd. 4. Except as otherwise provided in this subdivision "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. If the parents of a deceased veteran are divorced or separated from each other at the time of the veteran's death and custody of the veteran was actually or legally vested in only one parent after the divorce or separation, the bonus review board may equitably apportion between the surviving parents the adjusted compensation otherwise payable to either parent as beneficiary of the deceased veteran, giving due regard to the care and support furnished to the veteran by each parent, and where one or both parents survive but a surviving person in loco parentis had actual or legal custody of the deceased veteran the bonus review board may equitably apportion among the surviving parents and the surviving person in loco parentis the adjusted compensation.

[For text of subs 5 to 10, see M.S.1974]

Subd. 11. "Missing in action" means the official department of defense classification reserved for those Vietnam veterans whose status is or was unknown.

Subd. 12. "Next of kin" means in relation to a veteran who is missing in action the spouse, the children of the veteran if no spouse, the mother, the father, a person standing in loco parentis, in the order named.

[1975 c 97 s 1-3; 1975 c 407 s 1]

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## VETERANS; REWARDS; PRIVILEGES 197.977

### 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 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 or the next of kin of any veteran who is 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 or next of kin who has an application pending for, or received, or is eligible to receive, a similar payment from another state.

[1975 c 97 s 4]

### 197.973 Applications.

Each veteran or his beneficiary or next of kin 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 or next of kin 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.

[1975 c 97 s 5]

### 197.976 Commissioner of veterans affairs; powers and duties.

[For text of subd 1, see M.S.1974]

Subd. 2. The commissioner is empowered to and shall determine who is the beneficiary of a deceased veteran, who is the next of kin of a veteran missing in action and determine who is the person who has assumed 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.

[1975 c 97 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

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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. After the expiration of the review boards as provided in section 197.978, subdivision 4, the orders, decisions, and acts of the commissioner subsequent to the expiration shall be appealable to district court as a contested case pursuant to sections 15.0424 to 15.0426.

[1975 c 61 s 10]

## 197.978 Board of review.

[For text of subds 1 to 3, see M.S.1974]

Subd. 4. Review boards created under this section shall cease to exist after June 30, 1977; provided that the boards shall continue to hear and decide claims submitted to them before that date.

[1975 c 61 s 11]

## CHAPTER 198. MINNESOTA VETERANS HOME

Sec.		Sec.	
198.001	Definitions.	198.072	Repealed.
198.01	Veterans home; eligibility of veterans.	198.073	Repealed.
198.022	Eligibility of spouses, surviving spouses, parents.	198.08	Repealed.
198.03	Maintenance charges.	198.09	Repealed.
198.05	New buildings.	198.16	Donations; general purposes.
198.055	Veterans advisory committee. [New]	198.161	Donations; particular purposes.
198.06	Administrator; appointment; duties.	198.23	Personal property of residents; wills.
198.07	Repealed.	198.261	Canteen and coffee shop.
198.071	Repealed.	198.265	Depository accounts.

## 198.001 Definitions.

[For text of subds 1 and 2, see M.S.1974]

**Subd. 3.** [Repealed, 1975 c 61 s 26]

Subd. 4. "Administrator" means the administrator of the Minnesota veterans home.

Subd. 5. "Commissioner" means the commissioner of veterans affairs.

[1975 c 61 s 14,15]

## 198.01 Veterans home; eligibility of veterans.

The Minnesota veterans home shall provide a home for veterans of all wars, and their spouses, surviving spouses, and parents, who meet eligibility and admission requirements, and who comply with the rules and regulations of the home. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released therefrom under conditions other than dishonorable, and who did not receive a bad conduct discharge, shall be eligible for admission to the Minnesota veterans home. Persons who received bad conduct or dishonorable discharges from the armed forces of the United States as a result of drug dependency or abuse shall be eligible for admission to the Minnesota veterans home. "Period of war," as it refers to eligibility, is defined as follows:

- (1) Civil War, or war between the states.
- (2) Mexican War.
- (3) Spanish-American War, April 21, 1898 through July 4, 1902.