

## CHAPTER 198

## MINNESOTA VETERANS HOME

198.055 Repealed.  
 198.231 Personal property of discharged residents.  
 198.266 Imprest cash funds.

198.32 Veterans home; complaints; resident's rights.  
 198.33 Privacy of residents; search and seizure limited to criminal warrant.

**198.055 [Repealed, 1983 c 147 s 5]**

NOTE: Subdivision 1a was added by Laws 1983, chapter 260, section 47, to read as follows:

"Subd. 1a. **Reduced membership.** After July 1, 1983, appointments to each group of appointees on the advisory committee shall be reduced by one so that after the second group of appointments subsequent to July 1, 1983, the committee shall consist of nine members. The commissioner shall comply with Laws 1976, chapter 149, section 48, regarding the composition of the committee in all appointments made after July 1, 1983."

**198.231 PERSONAL PROPERTY OF DISCHARGED RESIDENTS.**

Personal property of discharged residents of the veterans home that remains unclaimed for one year after his or her discharge may be inventoried, appraised, and sold. The proceeds from the sale must be deposited into the state treasury. Proceeds from the sale of personal property and any funds held on behalf of the resident in the member's depository accounts must be credited to a separate state account and disposed of in accordance with sections 345.41 to 345.43.

**History:** 1983 c 147 s 3

**198.266 IMPREST CASH FUNDS.**

The commissioner may establish an imprest cash fund in accordance with section 15.191, subdivision 2. The purpose of the fund is to maintain sufficient money to satisfy normal demand withdrawal requests from residents of the veterans homes as provided for in section 198.265. The fund may also be utilized for the payment of costs for residents to participate in on campus work therapy programs.

**History:** 1983 c 147 s 4

**198.32 VETERANS HOME; COMPLAINTS; RESIDENT'S RIGHTS.**

Subdivision 1. **Resident's rights.** A resident of the Minnesota veterans home has the right to complain and otherwise exercise his freedom of expression and assembly which is guaranteed by amendment I of the United States Constitution. The administrator of the home shall inform each resident in writing at the time of admission of his right to complain to the administrator about home accommodations and services. A notice of the right to complain shall be posted in the home. The administrator shall also inform each resident of his right to complain to the commissioner of veterans affairs. Each resident of the home shall be encouraged and assisted, throughout his period of stay in the home, to understand and exercise his rights of freedom of expression and assembly as a resident and as a citizen, and, to this end, he may voice grievances and recommend changes in policies and services to home staff, other residents, and outside representatives of his choice, free from restraint, interference, coercion, discrimination, or reprisal, including retaliatory eviction. A resident of the home may not be denied any tenant rights available to him under chapter 566, including the right to recover possession of the premises.

**Subd. 2. Retaliation prohibited.** The administrator may not retaliate against any resident who exercises his right to voice grievances by evicting the resident. There shall be a rebuttable presumption that any eviction within 45 days of the exercise by a resident of his right to voice grievances is retaliatory.

**History:** 1983 c 313 s 1

**198.33 PRIVACY OF RESIDENTS; SEARCH AND SEIZURE LIMITED TO CRIMINAL WARRANT.**

**Subdivision 1. Searches prohibited.** A resident of the Minnesota veterans home has the right to a legitimate expectation of privacy in his person and property against unreasonable searches and seizures. A search of a resident's room or property may be conducted only when necessary to protect the residents from weapons, illegal drugs, or alcohol, if possession is prohibited by the commissioner, and is subject to the following:

(a) Prior to conducting a search of a resident's room or property, the administrator shall provide written authorization to conduct the search. This authorization must identify the resident whose room or property is to be searched, state the nature of the risk to the health or safety of that resident or to other individuals in the home, set forth the facts which establish that the risk exists and the source of those facts, and particularly describe the area to be searched and the property to be seized. A separate authorization must be completed for each resident whose room or property is to be searched.

(b) The resident shall be informed of the reasons necessitating a search of his room or property and shall be present during the conduct of the search if the resident requests to be present. A copy of the administrator's authorization must be given to the resident.

(c) If property or other items are taken, a written receipt describing the property or items taken must be given to the resident.

(d) The provisions of this section do not restrict the entry by employees of the home into a resident's room or into areas where the personal possessions of residents are stored for the purpose of providing care or services to the resident or for housekeeping and maintenance purposes. The provisions of this section do not apply to inspections conducted by governmental agencies for the purpose of assessing compliance with state or federal laws and regulations.

(e) Unauthorized searches or seizures by employees of the Minnesota veterans home may be grounds for dismissal.

**Subd. 2. Waiver prohibited.** The Minnesota veterans home may not require a resident to waive protection against unreasonable searches and seizures as a condition of eligibility for admission or continuing residence at the home. A search conducted under a waiver obtained in violation of this section is an unlawful search and seizure and the person aggrieved may move the district court for return of his property under section 626.21.

**History:** 1983 c 174 s 1