

CHAPTER 197

VETERANS; REWARDS, PRIVILEGES

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197.01 FUNDS COLLECTED FROM UNITED STATES.

The commissioner of veterans affairs, the board, commission, or other administrative body in charge of any state hospital, the University of Minnesota hospitals, or any state institution or in charge of any county hospital, 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, shall collect from the United States veterans' bureau or other agency of the United States government authorized to pay for the care and support of these persons, the maximum amount allowed and that can be collected for the care, maintenance, and treatment of any and all these ex-service persons.

History: (4599) 1923 c 436 s 1; 1957 c 287 s 3; 1980 c 357 s 13

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, sanitarium, 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, sanitarium 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 herein-after provided, for and on account of the state soldiers' assistance 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 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 the commissioner shall pay into the state soldiers' assistance 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.

History: (4600) 1923 c 436 s 2; 1986 c 444; 1991 c 123 s 5

197.03 STATE SOLDIERS' ASSISTANCE FUND CREATED.

There is created a state soldiers' assistance fund to aid and assist any citizen of Minnesota or resident alien residing in 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 the server 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 their dependents as provided by sections 196.05 and 197.04 to 197.07.

History: (4601) 1923 c 436 s 3; 1929 c 327; 1984 c 609 s 14; 1986 c 444; 1991 c 123 s 2

197.04 COMPOSITION OF FUND.

The state soldiers' assistance 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' assistance fund or to the commissioner of veterans affairs for the benefit of the fund.

History: (4602) 1923 c 436 s 4; 1929 c 327; 1991 c 123 s 5

197.05 FUND, HOW EXPENDED.

The state soldiers' assistance 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 or resident alien residing in 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 the service or not; to assist the person and the person's dependents as hereinafter provided in establishing and proving any just claim the person may have against the United States government, or any other government or state for compensation, insurance, relief, or other benefits; to provide emergency hospitalization, treatment, maintenance, and relief for any person suffering from disability who was a bona fide resident of the state at the time the need arose and the person's 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.

The fund is appropriated to be used in the manner determined by the commissioner of veterans affairs for these purposes.

History: (4603) 1923 c 436 s 5; 1929 c 327; 1984 c 609 s 15; 1986 c 444; 1991 c 123 s 5

197.06 SOLDIERS' WELFARE AGENT.

The commissioner of veterans affairs shall have charge of activities as provided in this section, and may employ assistants and incur other expenses as may be necessary for the administration of the state soldiers' assistance fund and carrying out the provisions of sections 197.01 to 197.07. No expense shall be incurred under the provisions of sections 197.01 to 197.07 in excess of the moneys available to the state soldiers' assistance fund.

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

- (1) Administer the state soldiers' assistance fund;
- (2) Cooperate with 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 assistance to a former soldier who is in need of hospitalization but unable to accept it because the acceptance would imperil the soldier's current employment in order to insure employment after hospitalization;
- (4) Provide necessary assistance where other adequate aid is not available to the dependent family of a former soldier while the soldier is being hospitalized and afterwards during such period as is necessary;
- (5) Cooperate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed by federal law, when exceptional conditions in an individual case make it necessary; and
- (6) Establish and provide employment, placement, and advisement service for disabled veterans as cannot be furnished by cooperation with other free public employment agencies.

History: (4604) 1923 c 436 s 6; 1925 c 88; 1929 c 327; 1980 c 414 s 5; 1986 c 444; 1991 c 123 s 5

197.07 SOLDIERS' ASSISTANCE FUND DEPOSITED IN STATE TREASURY.

The soldiers' assistance 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 the commissioner.

History: (4605) 1923 c 436 s 7; 1986 c 444; 1991 c 123 s 5

197.09 [Repealed, 1983 c 335 s 3]

197.10 [Repealed, 1983 c 335 s 3]

197.11 [Repealed, 1983 c 335 s 3]

197.12 [Obsolete]

197.13 [Repealed, 1985 c 152 s 5]

197.131 BOARD OF GOVERNORS OF BIG ISLAND VETERANS CAMP.

Subdivision 1. Creation and membership. The board of governors of the Big Island Veterans Camp - Lake Minnetonka supervises and manages the camp. The board consists of eight members. Two members each are appointed by the state level organization of the American Legion, the Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars provided that at least two appointees

are Vietnam veterans. The commissioner of veterans affairs or the commissioner's designee may attend and participate in an advisory capacity at any of the board meetings. The term of each member of the board is two years or until the appointment and qualification of a successor. The board selects a chair and secretary from its membership who serve terms of one year.

Subd. 2. **Vacancies and removal.** A member of the board may be removed at any time by the organization appointing that member. Also, by written notice to the appointing organization, the board may remove the member if the member has been absent for three consecutive meetings of the board. To remove a member, the board must notify in writing the appointing organization and the member after the second consecutive missed meeting that the member may be removed if the next meeting is missed. Any vacancy on the board is filled for the remainder of the unexpired term in the same manner as the original appointment.

History: 1985 c 152 s 1; 1Sp1985 c 16 art 2 s 4; 1986 c 444

197.132 POWERS AND DUTIES.

The board of governors of the Big Island Veterans Camp - Lake Minnetonka establishes policies for the proper management of the camp. The board may contract for services needed to operate the camp including the services of a manager, may hire employees, and may make other expenditures for the procurement of materials, services, or equipment necessary for the operation of the camp. Expenditures are made upon the approval of the chair. The board must prepare an annual report detailing a complete report of financial transactions, usage levels, and other activities regarding the management and operation of the camp. Copies of the annual reports must be submitted to each appointing organization and to the commissioner of veterans affairs. The board may accept donations, contributions, gifts, and bequests of real or personal property that may be made for the maintenance or operation of the camp.

The board shall make the camp available to veterans using the following priorities:

- (1) qualified disabled veterans and their dependents;
- (2) qualified veterans, their dependents, and surviving spouses of qualified veterans who were campers prior to the deed transfer; and
- (3) qualified veterans, their dependents, and surviving spouses of qualified veterans.

The camp must be operated as a family camp for the rest and relaxation of veterans and their dependents rather than as a program-oriented camp.

The board must publicize the camp to the greatest extent possible to make the camp's facilities known to Minnesota veterans.

The board is not a state agency. The board shall purchase liability and related insurance sufficient to indemnify the state against all claims arising from the conduct or management of the activities conducted by the board, its agents, or contractors.

History: 1985 c 152 s 2; 1986 c 444

197.133 DISPOSAL OF PROPERTY AND EXPIRATION OF THE BOARD OF GOVERNORS.

If a majority of the board determines that the disposal of the camp or a portion of the camp is in the best interests of Minnesota veterans, or if the camp is not used solely as a camp for and by disabled and other veterans and their families and operated and maintained in compliance with all state, federal, and local laws, the board may dispose of the property at market value as provided in this section. Before disposing of the property, the board shall give notice by certified mail to the commissioner of veterans affairs of its decision to dispose of the property. The commissioner shall publish the notice in the State Register. Interested governmental agencies have until the end of the next legislative session after the notice to appropriate money to purchase the property.

Proceeds realized from the disposal of the property and any assets on hand at the time of the disposal of the property, must be placed in an irrevocable trust to be used for the initiation or maintenance of veterans programs in the state of Minnesota. Trustees must be appointed in the same manner as provided for under section 197.131. The trustees shall consult with the commissioner of veterans affairs to determine the needs of Minnesota veterans and provide the commissioner and the committee on general legislation and veterans affairs of the house of representatives and the committee on veterans and general legislation in the senate with an annual written report on the trust. The commissioner must approve all expenditures from the trust. A certified audit of all assets, expenditures, and property must be conducted prior to any disposition of any assets under the control of the board. Any board member who would benefit directly or indirectly financially from the sale of this property must be removed by the board and a successor appointed as provided by section 197.131. Upon final disposition of all assets to the trust, the board must disband. Should the assets of the trust be exhausted, the trust must be terminated.

History: 1985 c 152 s 3

- 197.14 [Repealed, 1976 c 149 s 63]
- 197.15 [Repealed, 1985 c 152 s 5]
- 197.16 [Repealed, 1985 c 152 s 5]
- 197.17 [Repealed, 1985 c 152 s 5]
- 197.18 [Repealed, 1985 c 152 s 5]
- 197.19 [Repealed, 1985 c 152 s 5]
- 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 PURCHASE OF GRAVE MARKERS.

Subdivision 1. **Authorization.** The commissioner of veterans affairs may provide, within available funds and upon request of a county veterans service officer or any congressionally chartered veterans organization, an appropriate marker for the grave of any veteran as defined under section 197.447. Any marker provided must be used for memorial purposes to permanently mark the grave of a veteran buried within the limits of the state.

Subd. 2. **Account for marker purchase.** An account must be created by the department of finance under the control of the commissioner of veterans affairs that must be used to purchase markers. The commissioner shall provide the available funds for each county in the ratio of the number of markers placed in the county to the total number of markers placed in approximately the same ratio as funds that may be received from that county to the total amount of funds. The funds of each county includes the county government and any donations from organizations and individuals that are headquartered or resident in the county.

History: (4373) 1909 c 299 s 1; 1931 c 363 s 4; 1969 c 275 s 6; 3Sp1981 c 2 art 1 s 28; 1983 c 147 s 2

- 197.235 [Repealed, 1994 c 632 art 3 s 65]

197.236 VETERANS CEMETERY.

Subdivision 1. **Advisory council; purpose.** The veterans cemetery advisory council is established for the purpose of managing the fundraising for the veterans cemetery trust account established in subdivision 7. The council consists of seven members appointed by and serving at the pleasure of the governor. Members serve without per diem and without reimbursement for expenses. The council and the terms of members expire December 31, 1996.

Subd. 2. **Membership.** Members must be persons experienced in policy development, civic and community affairs, forms of public service, or legal work. At least two members must be veterans. At least three, but no more than four of the members must be residents of the metropolitan area, as defined in section 473.121, subdivision 2. No more than four of the members may be of the same gender.

Subd. 3. **Operation and maintenance.** The commissioner of veterans affairs shall supervise and control the veterans cemetery established under this section. The commissioner may contract for the maintenance and operation of the cemetery. All personnel, equipment, and support necessary for maintenance and operation of the cemetery must be included in the department's budget.

Subd. 4. **Acquisition of property.** By August 1, 1994, or as soon thereafter as practicable, the department of veterans affairs shall receive by gift and establish ownership of the site of approximately 36 acres adjacent to Camp Ripley in Morrison county that has been prepared for the purpose of a state veterans cemetery by the Minnesota state veterans cemetery association. Prior to the acquisition of this land, the department must obtain the approval of the Morrison county board. The department may also receive any equipment and materials granted to the state or any of its political subdivisions for this purpose.

Subd. 5. **Rules.** The commissioner of veterans affairs may adopt rules regarding the operation of the cemetery. If practicable, the commissioner shall require that upright granite markers be used to mark all gravesites.

Subd. 6. **Permanent development and maintenance account.** A veterans cemetery development and maintenance account is established in the special revenue fund of the state treasury. Receipts for burial fees, earnings from the veterans cemetery trust account, designated appropriations, and any other cemetery receipts must be deposited into this account. The money in the account, including interest earned, is appropriated to the commissioner to be used for the development, operation, maintenance, and improvement of the cemetery. To the extent practicable, the commissioner of veterans affairs must apply for available federal grants for the development and operation of the cemetery.

Subd. 7. **Permanent trust account.** A veterans cemetery trust account is established in the special revenue fund of the state treasury. All designated appropriations and monetary donations to the cemetery must be placed in this account. The principal of this account must be invested by the state board of investment and may not be spent. The income from this account must be transferred as directed by the account manager to the veterans cemetery development and maintenance account.

Subd. 8. **Eligibility.** Any person who is eligible for burial in a national veterans cemetery is eligible for burial in the state veterans cemetery.

Subd. 9. **Burial fees.** The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible family members. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. The department may accept the social security burial allowance, if any, of the eligible family members in an amount not to exceed the actual cost of the interment. The commissioner may waive the fee in the case of an indigent eligible person.

No plot or interment fees may be charged for the burial of eligible veterans, members of the National Guard, or military reservists, except that funds available from the social security or veterans burial allowances, if any, must be paid to the commissioner in an amount not to exceed the actual cost of the interment, excluding the value of the plot.

Prior to the interment of an eligible person, the commissioner shall request the cooperation of the eligible person's next of kin in applying to the appropriate federal agencies for payment to the cemetery of any allowable interment allowance.

Subd. 10. **Allocation of plots.** A person, or survivor of a person, eligible for interment in the state veterans cemetery may apply for a burial plot for the eligible person

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by submitting a request to the commissioner of veterans affairs on a form supplied by the department. The department shall allot plots on a first-come, first-served basis. To the extent that it is practical, plots must be allocated in a manner permitting the burial of eligible family members above, below, or adjacent to the eligible veteran, member of the National Guard, or military reservist.

History: 1994 c 632 art 3 s 53

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 Minnesota Statutes, except in sections 136C.13, 196.21, 197.971, and 243.251, means a citizen of the United States or a resident alien who has been separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, or who has met the minimum active duty requirement as defined by Code of Federal Regulations, title 38, section 3.12a, or who has active military service certified under section 401, Public Law Number 95-202. The active military service must be certified by the United States Secretary of Defense as active military service and a discharge under honorable conditions must be issued by the Secretary.

History: 1955 c 4 s 1; 1967 c 222 s 1; 1969 c 275 s 7; 1971 c 24 s 15; 1977 c 40 s 2; 1982 c 511 s 33; 1984 c 468 s 2; 1984 c 609 s 16; 1990 c 444 s 1; 1992 c 410 s 1

197.45 [Repealed, 1975 c 45 s 7]

197.455 STATE LAW APPLICABLE.

The provisions of section 43A.11 granting preference to veterans in the state civil service shall also govern preference of a veteran under the civil service 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 43A.11 is void to the extent of such inconsistency. Sections 197.46 to 197.48 shall not apply to state civil service.

History: 1975 c 45 s 4; 1981 c 210 s 54

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 the veteran from an appointed position or employment pursuant to this section shall be notified in writing of such intent to discharge and of the veteran's 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 the 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 court administrator of the district court within ten days after service thereof. Nothing in section 197.455 or this section 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 section 197.455 and this section notwithstanding any laws, charter provisions, ordinances or rules to the contrary. Any willful violation of such sections by officers, officials, or employees is a misdemeanor.

History: (4369) 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; 1975 c 45 s 5; 1986 c 444; 1Sp1986 c 3 art 1 s 82

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

"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."

197.47 [Repealed, 1975 c 45 s 7]

197.48 APPLICATION.

No provision of any subsequent act relating to any such appointment, employ-

ment, promotion, or removal shall be construed as inconsistent herewith or with any provision of sections 197.455 and 197.46 unless and except 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.

History: (4369-2) 1931 c 347 s 2; 1Sp1981 c 4 art 1 s 19

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

"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."

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 43A.11, 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.

Subd. 2. Service. Upon receipt of a petition herein, the commissioner shall serve a copy of same, by certified 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 the person 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 14.57 to 14.60 and 14.62, at the office of the commissioner or at a place the commissioner 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 the commissioner's place and to employ such other personnel as are necessary to investigate facts in cases brought under this section. The affected political subdivision must bear all costs incurred by the commissioner under this section.

Subd. 6. Appeals. Appeals of orders issued under this section shall be in accordance with chapter 14.

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.

Subd. 8. **Enforcement.** When a party fails or refuses to comply with a final decision of the commissioner, the commissioner may commence an action in Ramsey county district court requesting the court to order the party to comply with the order of the commissioner. If the commissioner has ordered an award of damages and if the court sustains or modifies the award, it shall enter judgment on the order or modified order in the same manner as in the case of an order of the district court, as provided in section 546.27.

History: 1973 c 570 s 1 subds 1-7; 1975 c 45 s 6; 1978 c 674 s 60; 1978 c 682 s 1,2; 1981 c 210 s 54; 1982 c 424 s 130; 1983 c 247 s 82; 1986 c 444; 1987 c 404 s 154

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 the resident prior to 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 predeceased the resident, and any and all benefits due and payable to the resident's 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.

History: (4397-28) Ex1937 c 13 s 1; 1986 c 444

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, 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 any 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.

History: (4382) 1905 c 37 s 1; 1911 c 107 s 1; 1990 c 426 art 1 s 24

197.56 USE OF QUARTERS.

Such organization shall have the equal and free use of all such quarters, under such rules 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.

History: (4383) 1905 c 37 s 2; 1985 c 248 s 70

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.

History: (4384) 1905 c 37 s 3

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 congressionally chartered veterans organizations and their auxiliaries, incorporated, or when incorporated, under the laws of the state. The commissioner shall honor requests for space from the veterans organizations on a first come, first served basis until all available space is occupied. The commissioner of administration shall give priority to utilizing space in the veterans service building for the department of veterans affairs and veterans organizations and their auxiliaries. 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 the commander 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.

History: (4384-2) 1929 c 434; 1969 c 275 s 8; 1985 c 78 s 1; 1986 c 444

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 the veteran has established a bona fide residence, solely upon the veteran's 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 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.

History: (4367) RL 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; 1986 c 444

197.60 VETERANS SERVICE OFFICERS; APPOINTMENT; COMPENSATION.

Subdivision 1. **Appointment; administrative support.** The county board of any county except Clay county, or the county boards of any two or more counties acting pursuant to the provisions of section 197.602, shall appoint a veterans service officer and shall provide necessary clerical help, office space, equipment, and supplies for the officer, together with reimbursement for mileage and other traveling expenses necessarily incurred in the performance of duties; and may appoint one or more assistant veterans service officers who shall have the qualifications prescribed in section 197.601. The county board of Clay county may appoint a veterans service officer and assistant veterans service officers as provided in this subdivision. Subject to the direction and control of the veterans service officer, the assistant veterans service officer may exercise all the powers, and shall perform the duties, of the veterans service officer, 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 the officer with information necessary in connection with the performance of duties.

Subd. 2. Term. 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 12 months of the initial appointment being a probationary period, unless removed for cause upon written charges and after a hearing thereon. If the board of county commissioners does not intend to reappoint a county veterans service officer who has been certified by the department of veteran affairs, the board shall present written notice to the county veterans service officer, not later than 90 days before the termination of the county veterans service officer's term, that it does not intend to reappoint the county veterans service officer. If written notice is not timely made, the county veterans service officer must automatically be reappointed by the board of county commissioners.

Subd. 3. Compensation. 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. Tax levy. 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 duties during the succeeding year, and to make up any deficiency in the fund raised for that purpose during the preceding year. 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 local tax rates.

Subd. 5. Oath. Every county veterans service officer, before entering upon duties, shall take and subscribe the oath required of public officials.

History: 1945 c 96 s 1; 1947 c 408 s 1; 1949 c 583 s 1; 1973 c 350 s 1-3; 1978 c 625 s 1; 1986 c 444; 1988 c 699 s 4; 1988 c 719 art 5 s 84; 1Sp1989 c 1 art 2 s 11; 1991 c 123 s 3,4

197.601 QUALIFICATIONS OF VETERANS SERVICE OFFICERS.

No person shall be appointed a veterans service officer under sections 197.60 to 197.606 without the following qualifications:

- (1) residence in the state of Minnesota;
- (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.

History: 1945 c 96 s 2; 1953 c 699 s 8; 1955 c 4 s 4; 1977 c 29 s 2; 1986 c 444

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

History: 1945 c 96 s 3; 1986 c 444

197.603 DUTIES.

Subdivision 1. It shall be the duty of the veterans service officer to aid all residents of the governmental subdivision by which the officer 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 the person has a discharge other than dishonorable. The veterans service officer shall aid all veterans who are residents of the governmental subdivision by which the officer is employed, regardless of the nature of discharge, in securing counseling or treatment concerning alcohol and drug dependency and abuse.

Subd. 2. Pursuant to chapter 13 the veterans service officer is the responsible authority with respect to all records in the officer's custody. The data on clients' applications for assistance is private data on individuals, as defined in section 13.02, subdivision 12.

History: 1945 c 96 s 4; 1973 c 572 s 9; 1978 c 635 s 1; 1981 c 311 s 39; 1Sp1981 c 4 art 1 s 13; 1982 c 545 s 24; 1986 c 444

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 the officer or for any veterans service officer or employee under the officer 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 shall be guilty of a gross misdemeanor.

History: 1945 c 96 s 5; 1986 c 444

197.605 SUPERVISION.

Subdivision 1. **Methods of operation.** 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. **Use of agencies to present claims.** 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. **Rules.** The commissioner of veterans affairs shall have authority to prescribe such rules as are necessary for compliance with this section and the efficient uniform administration of sections 197.60 to 197.606. Such rules shall not apply to the appointment, tenure, compensation, or working conditions of a veterans service officer appointed under sections 197.60 to 197.606.

Subd. 4. **Certification.** The commissioner of veterans affairs shall establish a certification process for veterans service officers. In doing so, the commissioner shall consult with the Minnesota Association of County Veterans Service Officers.

History: 1945 c 96 s 6; 1985 c 248 s 70; 1987 c 61 s 1

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.

History: 1945 c 96 s 7

197.607 [Expired]**197.608 VETERANS SERVICE OFFICE GRANT PROGRAM.**

Subdivision 1. **Grant program.** A veterans service office grant program is estab-

lished to be administered by the commissioner of veterans affairs consisting of grants to counties to enable them to enhance the effectiveness of their veterans service offices.

Subd. 2. Rule development. The commissioner of veterans affairs shall consult with the Minnesota association of county veterans service officers in formulating rules to implement the grant program.

Subd. 3. Eligibility. To be eligible for a grant under this program, a county must:

(1) employ a county veterans service officer as authorized by sections 197.60 and 197.606, who is certified to serve in this position by the commissioner of veterans affairs;

(2) submit a written plan for the proposed expenditures to enhance the functioning of the county veterans service office in accordance with the program rules; and

(3) apply for the grant according to procedures to be established for this program by the commissioner and receive written approval from the commissioner for the grant in advance of making the proposed expenditures.

Subd. 4. Grant application. (a) A grant application must be submitted to the department of veterans affairs according to procedures to be established by the commissioner. The grant application must include a specific description of the plan for enhancing the operation of the county veterans service office.

(b) The commissioner shall approve a grant application only if it meets the criteria for eligibility as established and announced by the commissioner and there are sufficient funds remaining in the grant program to cover the amount of the grant. The commissioner may request modification of a plan. If the commissioner rejects a grant application, written reasons for the rejection must be provided to the applicant county and the county may modify the application and resubmit it.

Subd. 5. Qualifying uses. The commissioner of veterans affairs shall determine whether the plan specified in the grant application will enable the applicant county to enhance the effectiveness of its county veterans office.

Notwithstanding subdivision 3, clause (1), a county may apply for and use a grant for the training and education required by the commissioner for a newly employed county veterans service officer's certificate, or for the continuing education of other staff.

Subd. 6. Grant amount. The amount of each grant must be determined by the commissioner of veterans affairs, and may not exceed the lesser of:

(1) the amount specified in the grant application to be expended on the plan for enhancing the effectiveness of the county veterans service office; or

(2) the county's share of the total funds available under the program, determined in the following manner:

(i) if the county's veteran population is less than 1,000, the county's grant share shall be \$2,000;

(ii) if the county's veteran population is 1,000 or more but less than 3,000, the county's grant share shall be \$4,000;

(iii) if the county's veteran population is 3,000 or more but less than 10,000, the county's grant share shall be \$6,000; or

(iv) if the county's veteran population is 10,000 or more, the county's grant share shall be \$8,000.

In any year, only one-half of the counties in each of the four veteran population categories (i) to (iv) may be awarded grants. Grants shall be awarded on a first-come first-served basis to counties submitting applications which meet the commissioner's criteria as established in the rules. Any county not receiving a grant in any given year shall receive priority consideration for a grant the following year.

In any year, after a period of time to be determined by the commissioner, any amounts remaining from undistributed county grant shares may be reallocated to the other counties which have submitted qualifying application.

The veteran population of each county shall be determined by the figure supplied by the United States Department of Veterans Affairs, as adopted by the commissioner.

History: 1993 c 192 s 79; 1993 c 366 s 5

197.609 EDUCATION PROGRAM.

Subdivision 1. Establishment and administration. An education program for county veterans service officers is established to be administered by the commissioner of veterans affairs.

Subd. 2. Eligibility. To be eligible for the program in this section, a person must currently be employed as a county veterans service officer as authorized by sections 197.60 to 197.606, and be certified to serve in that position by the commissioner of veterans affairs or be serving a probationary period as authorized by section 197.60, subdivision 2.

Subd. 3. Program content. The program in this section must include but is not limited to informing county veteran service officers of the federal, state, and private benefits and services available to veterans, training them in procedures for applying for these benefits, updating them on the changes in these benefits and the eligibility criteria and application procedures, informing them of judicial and regulatory decisions involving veterans programs, training them in the legal procedures for appealing decisions disallowing benefits to veterans, and providing education, information, and training for any other aspects of the veteran service officer position.

History: 1993 c 192 s 80

197.63 VITAL STATISTICS RECORDS, CERTIFIED COPIES.

Subdivision 1. Issuance without charge. A certified copy of a birth, death, marriage, divorce, dissolution of marriage record, or certified copy of veteran's discharge recorded pursuant to section 386.20, shall be issued promptly by the officer charged with the keeping of the records upon the request of, and without any charge to, any veteran, the surviving spouse or next of kin of the veteran, 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 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 section 197.447, and who is a citizen of the United States or resident alien.

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, the officer's governmental subdivision shall pay the officer the legal fee therefor, and the governing body thereof is authorized and directed to order such payment made from the general revenue funds thereof.

History: 1945 c 19 s 1,2; 1947 c 169 s 1; 1953 c 699 s 9; 1976 c 2 s 73; 1984 c 609 s 17; 1986 c 444

197.64 [Repealed, 1976 c 44 s 70]

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 EDUCATIONAL ASSISTANCE, WAR ORPHANS AND VETERANS.

Subdivision 1. Benefits; eligibility. The commissioner of veterans affairs shall spend a biennial appropriation for tuition of veterans, and for tuition, fees, board, room, books and supplies of the children of veterans who have died as a result of their service in the armed forces of the United States as determined by the United States Vet-

erans Administration or other instrumentality of the United States, in the University of Minnesota, a state university, a community college, a technical college, or any other university 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 board of nursing, or in a trade, business, or vocational school in the state approved by the state department of education, or in a theological seminary, for any course which such veteran or child may elect. Not more than \$350 shall be expended for the benefit of any individual veteran, and not more than \$350 in any fiscal year shall be expended for the benefit of any child under this section, and the need for the benefit shall be established and determined by the commissioner of veterans affairs. No child of any veteran shall make application for the benefits provided in this section unless the child resided in Minnesota for at least two years immediately prior to the date of the application. Children of veterans eligible for benefits according to this section shall be admitted to state institutions of university grade free of tuition until they receive a bachelors or equivalent degree. Payments of benefits shall be made directly to the institution in which the course of instruction is given or to the individual on forms prescribed by the commissioner.

Subd. 2. Limitations. The benefits in subdivision 1 are not available to a veteran who is entitled to the same or similar benefits under a law or regulation of the United States, with the exceptions in paragraphs (a) and (b).

(a) A veteran who has been eligible for and has used up the benefits the veteran is entitled to under the laws of the United States is entitled to the benefits provided for by subdivision 1.

(b) A veteran who has had less than ten years of eligibility for educational assistance under federal law because of the December 31, 1989, delimiting date and who has lost more than four months of that eligibility is entitled to the benefits provided for by subdivision 1.

Subd. 3. Proof of eligibility. Approval for benefits under this section shall require submission of the following evidence: application, financial statement, proof of military service, proof of residency and where applicable, a statement from the United States Veterans Administration that the veteran has exhausted entitlement to federal educational benefits through use thereof or that the veteran died of service connected disabilities. Upon submission of satisfactory proof of eligibility, benefits shall be provided from the date of application and notification of approval shall be sent to the educational institution and applicant.

Subd. 4. Reimbursement form. Reimbursement to such institution or eligible individual authorized under subdivision 1 shall be on forms prescribed by the commissioner.

Subd. 5. Definition of veteran. The word "veteran" as used in this section shall have the same meaning as defined in section 197.447 except that it shall include service persons that died while on active duty.

Subd. 6. Residence required. Veterans under this section shall have been a resident of the state of Minnesota at the time of induction into the armed forces and six months immediately preceding the induction.

History: 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 258 s 2; 1957 c 576 s 1,2; 1969 c 275 s 9,10; 1971 c 24 s 16; 1971 c 97 s 1-3; 1973 c 349 s 2; 1975 c 321 s 2; 1980 c 614 s 99; 1983 c 335 s 1; 1987 c 258 s 12; 1989 c 246 s 2; 1990 c 444 s 2

197.751 [Repealed, 1969 c 275 s 12]

197.752 EDUCATIONAL ASSISTANCE-POW/MIA DEPENDENTS.

Any dependent of a prisoner of war or a person missing in action, upon being duly accepted for enrollment in any Minnesota public post-secondary institution, shall be allowed to attend the institution to obtain a bachelor's degree or certificate of comple-

tion, while eligible, free of tuition or charge. A dependent who enrolls as an undergraduate in any private Minnesota post-secondary institution shall be entitled to payment by the state of tuition and fees at a rate not to exceed \$250 per year for so long as the dependent is eligible to attend the institution and is working toward a bachelor's degree or certificate of completion.

"Prisoner of war" and "persons missing in action" for purposes of this section mean any person who was a resident of the state at the time the person 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 section means the spouse of a prisoner of war or person missing in action, or any child born before or during the period of time the child's 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 section there shall be no situation such as the return of the spouse or parent or the reported death of the spouse or parent that will remove the dependent from provisions or benefits of this section.

History: 1983 c 335 s 2; 1986 c 444

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.

Subdivision 1. 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 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.

Subd. 2. [Repealed, 1979 c 335 s 18]

History: 1973 c 580 s 1; 1977 c 449 s 19; 1986 c 444

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]

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 veteran's guardian, or a beneficiary or beneficiary's guardian, or a next of kin or next of kin's 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. 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.

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 the veteran's 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 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.

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.

History: 1973 c 204 s 1; 1975 c 97 s 1-3; 1975 c 407 s 1; 1986 c 444

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 the veteran's 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.

History: 1973 c 204 s 2; 1975 c 97 s 4; 1986 c 444

197.973 APPLICATIONS.

Subdivision 1. Each veteran or veteran's 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 the veteran's beneficiary or next of kin be a minor or an incompetent application shall be made by a 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.

Subd. 2. No payment of adjusted compensation shall be made under the provisions of sections 197.971 to 197.986, unless the application therefor is received by the commissioner on or before December 31, 1976.

History: 1973 c 204 s 3; 1975 c 97 s 5; 1976 c 237 s 1; 1986 c 444

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 the right of review. If a demand for

review is made by the applicant, the commissioner shall not pay any adjusted compensation to the applicant 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.

History: 1973 c 204 s 4; 1986 c 444

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.

History: 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, 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.

History: 1973 c 204 s 6; 1975 c 97 s 6

197.977 APPEALS.

On determining the amount of adjusted compensation to be due an applicant, or that the claim of any applicant be disallowed, the commissioner 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 the 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. 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 14.63 to 14.69.

History: 1973 c 204 s 7; 1975 c 61 s 10; 1982 c 424 s 130; 1986 c 444; 1987 c 384 art 2 s 1

197.978 BOARD OF REVIEW.

Subdivision 1. The governor is authorized to appoint a board and such additional boards as may be recommended to the governor by the commissioner. Each board shall consist of three veterans, one of whom shall be designated as chair 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 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 the applicant so requests. The board may conduct its own investigations and may require any applicant to submit evidence in support of the 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 whether the applicant 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 the 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.

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.

History: 1973 c 204 s 8; 1975 c 61 s 11; 1986 c 444

197.979 NOTICES.

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

History: 1973 c 204 s 9; 1986 c 444

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.

History: 1973 c 204 s 10

197.981 RULES.

The commissioner is authorized to adopt such rules as the commissioner deems necessary to carry out the terms of sections 197.971 to 197.986.

History: 1973 c 204 s 11; 1985 c 248 s 70; 1986 c 444

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.

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 43A, shall not apply to sections 197.971 to 197.986.

History: 1973 c 204 s 12; 1981 c 210 s 54

197.983 NONASSIGNABLE; 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.

History: 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.

History: 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 XI, sections 4 to 7 and article XIII, section 8 of the Constitution.

History: 1973 c 204 s 15; 1973 c 492 s 14; 1976 c 2 s 172

197.986 VETERANS BONUS BOND ACCOUNT.

In order to reduce the amount of taxes otherwise required by the Constitution, article XI, section 7, 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 XI, section 7, and shall be used to reduce the amount of tax otherwise required to be levied.

History: 1973 c 204 s 16; 1976 c 2 s 172