

Section 1. Minnesota Statutes 1971, Section 98.45, Subdivision 1, is amended to read:

98.45 GAME AND FISH; WILD ANIMALS; DEER; DISCHARGED SERVICEMEN'S LICENSE TO HUNT; REQUIREMENT. Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for the calendar year and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. No license to take beaver or otter may be issued to any person after the third day of the open season provided therefor for that year. Except as provided in this section, no license to take deer with firearm may be issued after the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the second day of such season. A resident who is discharged from the military or naval forces of the United States, or any active reserve or component thereof, during the regular season for taking deer by firearm or within ten days before its commencement, may be issued, at any time during the firearm deer season and upon a showing of his official discharge paper, a license to take deer with firearm. Only one license of each kind, except the non-resident short term angling license, may be issued to a person in any calendar year. No license may be transferred except as expressly authorized.

Approved May 7, 1973.

CHAPTER 204—H.F.No.7

[Coded]

An act providing compensation to those members of the armed forces who served during the Vietnam conflict; providing for a bond issue to finance; appropriating money; and providing a penalty.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [197.971] **VIETNAM BONUS, DEFINITIONS.** Subdivision 1. For the purposes of this act, unless the context clearly indicates otherwise, the words, terms and phrases defined in this section shall have the meanings ascribed to them.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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

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

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

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

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

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

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

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

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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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.

Sec. 2. [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 shall receive the sum of \$1,000 in lieu of all other payments. If the veteran is deceased, payment shall be made to his beneficiary. The beneficiary of a veteran who died from service connected causes which arose during the period of time in which the veteran could become eligible for adjusted compensation, shall receive the sum of \$1,000 in lieu of all other payments. No payment shall be made to any veteran or beneficiary who has an application pending for, or received, or is eligible to receive, a similar payment from another state.

Sec. 3. [197.973] **APPLICATIONS.** Each veteran or his beneficiary entitled to adjusted compensation may make application therefor to the commissioner, which shall be made upon a form prescribed by the commissioner and verified by the applicant; provided that if the veteran be incompetent or his beneficiary be a minor or an incompetent application shall be made by his guardian. Each application shall be accompanied by such evidence of honorable service during the period of service, and such other information and evidence, all as the commissioner may require.

Sec. 4. [197.974] **ALLOWANCES.** Subdivision 1. Upon submission of proof satisfactory to the commissioner that an applicant is entitled to payment under this act, 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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

shall file with the commissioner an acceptance, in writing, of the amount of adjusted compensation due the applicant as determined by the commissioner. The filing of the acceptance shall be a waiver of the applicant of his right of review. If a demand for review is made by the applicant, the commissioner shall not pay any adjusted compensation to him until the board has made its order.

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

Sec. 5. [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 this act.

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 15 and 16 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 this act. The commissioner is hereby authorized to accept applications for payment of a bonus to those entitled thereto within six months after the effective date of this act, with payments to commence no later than one year after the effective date of this act. 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 this act effective upon passage of this act. The commissioner of administration is hereby authorized to allocate such additional funds as should be necessary for the cost of administration of this act as required.

Sec. 6. [197.976] COMMISSIONER OF VETERANS AFFAIRS; POWERS AND DUTIES. Subdivision 1. The commissioner shall administer the provisions of this act.

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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 7. [197.977] **APPEALS.** Whenever the commissioner has determined the amount of adjusted compensation to be due an applicant, or that the claim of any applicant be disallowed, he shall promptly notify the applicant thereof. Any applicant aggrieved by any determination of the commissioner may demand of the commissioner that the claim be reviewed by a board. Any demand for review shall be filed with the commissioner, in writing, within 60 days after the commissioner has mailed notice to the applicant of his determination. Upon receipt of a demand for review, the commissioner shall certify the demand, together with all files and records relating to the claim, to a board. Unless a demand for review as hereinabove provided is filed with the commissioner by an applicant, all orders, decisions and acts of the commissioner with reference to the claim of the applicant shall be final and conclusive upon the applicant.

Sec. 8. [197.978] **BOARD OF REVIEW.** Subdivision 1. The governor is authorized to appoint a board and such additional boards as may be recommended to him by the commissioner. Each board shall consist of three veterans, one of whom shall be designated as chairman at the time of appointment. Each member shall hold office at the pleasure of the governor. Each board shall sit during such times and at such places as may be determined by the commissioner. Each member of a board shall be paid as compensation \$35 per day and subsistence and traveling expenses, while actually engaged in his duties as a board member.

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

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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 9. [197.979] **NOTICES.** All notices and correspondence to the applicant shall be directed to him by mail at the address listed in his application, and all notices and correspondence to the commissioner shall be addressed to him at his office in the city of St. Paul.

Sec. 10. [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 this act.

Sec. 11. [197.981] **RULES AND REGULATIONS.** The commissioner is authorized to adopt such rules and regulations as he deems necessary to carry out the terms of this act.

Sec. 12. [197.982] **DECLARATION OF POLICY.** Subdivision 1. The payments of adjusted compensation provided for by this act 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 this act, 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 Minnesota Statutes, Chapter 43, shall not apply to this act.

Sec. 13. [197.983] **NON-ASSIGNABLE; EXCEPTED FROM PROCESS.** No claim for payment under this act, shall be assignable, or subject to garnishment, attachment or levy of execution.

Sec. 14. [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 this act, shall be guilty of a gross misdemeanor.

Sec. 15. [197.985] **VETERANS BONUS BOND ISSUE.** For the purpose of providing the moneys appropriated by this act 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 this act, the state auditor 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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. The proceeds of such bonds are appropriated and shall be credited to the veterans adjusted compensation fund, except that any accrued interest and premium received upon the sale thereof is appropriated and shall be credited to a separate bookkeeping account to be maintained in the state bond fund and designated as the Minnesota state Vietnam veterans bonus bond account. The bonds shall be issued, sold, executed, authenticated, and secured in the same manner as provided for Minnesota state building bonds in Minnesota Statutes 1971, Section 6.31, except that the expenses thereof shall be paid and the amounts necessary therefor are appropriated from the veterans adjusted compensation fund, and all money appropriated and taxes levied for the payment of the bonds shall be credited to the Minnesota state Vietnam veterans bonus bond account. The bonds are further secured by the provisions of Article IX, Section 6 and Article XX of the Constitution.

Sec. 16. [197.986] **VETERANS BONUS BOND ACCOUNT.** In order to reduce the amount of taxes otherwise required by the Constitution, Article IX, Section 6, Subdivision 4, to be levied for the payment of interest and principal on the bonds authorized by this act, there is hereby appropriated annually to the veteran's bonus bond account in the state bond fund from the general fund in the state treasury a sum of money sufficient in amount, when added to the balance on hand on November 1 in each year in the veteran's bonus bond account, to pay all principal and interest due and to become due on said bonds within the then ensuing year and to and including July 1 in the second ensuing year. The moneys received and on hand pursuant to the appropriation annually made by this section are available in the state bond fund prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4, and shall be used to reduce the amount of tax otherwise required to be levied.

Sec. 17. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved May 11, 1973.

CHAPTER 205—H.F.No.267

[Coded]

An act relating to actions; litigation costs and fees; authorizing proceedings in forma pauperis; and providing a penalty.

Changes or additions indicated by underline, deletions by ~~strikeout~~.