

(2) Modern sanitary facilities (flush, chemical, or incinerator toilets) and drinking water; and

(3) Services available 24 hours a day.

Sec. 5. [160.296] **SIGNS; ADMINISTRATION; RULES.** Subdivision 1. **PROCEDURE.** A person who desires a specific service sign panel shall request the commissioner of transportation to install the sign. The commissioner of transportation may grant the request if the applicant qualifies for the sign panel and space is available. All signs shall be fabricated, installed, maintained, replaced and removed by the commissioner of transportation. The applicant shall pay a fee to the commissioner of transportation to cover all costs for fabricating, installing, maintaining, replacing and removing. The requests for specific service sign panels shall be renewed every three years.

Subd. 2. **SEASONAL SERVICES.** All sign panels for seasonal services shall be covered or removed when the service is not available.

Subd. 3. **COMMUNICATIONS.** Any new or participating specific service business shall respond to any communication from the commissioner of transportation within 30 days or an in place sign panel will be removed.

Subd. 4. **SIGN REMOVAL.** The specific service sign panels shall be removed by the commissioner of transportation if any of the requirements in sections 1 to 5 are not continually met.

Sec. 6. [160.297] **OTHER LAWS.** Sections 1 to 5 provide additional authority to erect signs on nonfreeway type highways and do not limit the authority to erect highway signs provided by other law or rule.

Sec. 7. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved March 31, 1980

CHAPTER 414—S.F.No. 1633

An act relating to veterans; modifying the duties, authority and scope of operations of the department of veterans affairs; authorizing the commissioner of veterans affairs to accept uncompensated voluntary services; entitling uncompensated voluntary workers to the benefits of workers' compensation; providing for the appointment of the commissioner of veterans affairs as the guardian of an estate; revising the veterans home eligibility requirements; amending Minnesota Statutes 1978, Sections 196.05; 196.051; 197.06; 198.01; and Minnesota Statutes, 1979 Supplement, Section 176.011, Subdivision 9.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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

Section 1. [196.18] VETERANS AFFAIRS; UNCOMPENSATED AND VOLUNTARY SERVICES; EXPENSES. To assist in the discharge of the functions of the department, the commissioner of veterans affairs may accept uncompensated and voluntary services and enter into written agreements with private or public agencies or persons for uncompensated and voluntary services as may be practical. Persons rendering voluntary uncompensated services may be reimbursed for travel expenses incurred in the performance of official duties at the same rate per mile as state employees.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. **EMPLOYEE.** "Employee" means any person who performs services for another for hire; and includes the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, policeman, firefighter, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime and any person requested or commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any legal process in which case, for purposes of calculating compensation payable under this chapter, the daily wage of the person requested or commanded to assist an officer or to execute a legal process shall be the prevailing wage for similar services where the services are performed by paid employees;

(4) a county assessor;

(5) an elected or appointed official of the state, or of any county, city, town, school district or governmental subdivision therein but an officer of a political subdivision elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(6) an executive officer of a corporation except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c), nor shall it include an executive officer of a closely held corporation who is referred to in section 176.012;

(7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of these institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. *In the event of injury or death of the voluntary uncompensated*

worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services where the services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of the voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of the injury or death for similar services where the services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 85.041 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138, shall be an employee. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(13) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota school for the deaf or the Minnesota braille and sight-saving school, and whose services have been accepted or contracted for by the state board of education, as authorized by law, shall be an employee within the meaning of this subdivision. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(14) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law, is an employee within the meaning of this subdivision. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees.

In the event it is difficult to determine the daily wage as herein provided, then the trier of fact may determine the wage upon which the compensation is payable.

Sec. 3. Minnesota Statutes 1978, Section 196.05, is amended to read:

196.05 **DUTIES OF COMMISSIONER.** The commissioner shall:

(1) Act as the agent of ~~any~~ a resident of the state having a claim against the United States for a ~~pension, bounty, or back pay~~ benefits arising out of or by reason of ~~any war or any federal military or naval service~~ service in the armed forces and prosecute ~~such~~ the claim without charge;

(2) Act as custodian of ~~all~~ veterans' bonus records;

(3) Administer the laws relating to the providing of bronze flag holders at veterans' graves for memorial purposes;

(4) Administer the laws relating to recreational or rest camps for veterans so far as applicable to state agencies;

(5) Administer the state soldiers' welfare fund and veterans' relief fund and ~~all other~~ funds hereafter appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation of veterans;

(6) Cooperate with ~~all~~ national, state, county, municipal, and private social agencies in securing to veterans and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;

(7) Provide necessary assistance where other adequate aid is not available to the dependent family of a ~~war~~ veteran while ~~such~~ the veteran is ~~being~~ hospitalized and ~~afterwards during such~~ after the veteran is released for as long a period as is necessary as determined by the commissioner;

(8) Act as the guardian of the estate for a minor or an incompetent person receiving moneys from the United States government when requested ~~so to do~~ so by an agency of the United States of America provided sufficient personnel ~~is~~ are available ~~so to do;~~

(9) Cooperate with United States governmental agencies providing compensation, pensions, insurance, or other benefits provided by federal law, by

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

supplementing the benefits prescribed therein, when conditions in an individual case make it necessary:

(10) Assist in implementing ~~all~~ state laws, rights and privileges relating to the re-employment of veterans upon their ~~return from federal military or naval duty separation from the armed forces~~:

(11) Contact, at ~~such~~ times as he deems proper, ~~all~~ war veterans, as defined in section ~~197.45~~ 197.447, who are confined in ~~any~~ a public institution; investigate the treatment accorded ~~these~~ those veterans and report ~~quarterly~~ annually to the governor the results of ~~such~~ the investigations; and the heads of ~~such~~ the public institutions shall permit the commissioner, or his representative, to visit any ~~such~~ veteran; and, if the commissioner, or his representative requests any information relative to any ~~such~~ veteran and his affairs, the head of ~~such~~ the institution shall furnish ~~the same~~ it;

(12) ~~Have such~~ Other powers as may be authorized and necessary to carry out the provisions of ~~Laws 1943, Chapter 420~~ sections 196.01 to 198.31.

Sec. 4. Minnesota Statutes 1978, Section 196.051, is amended to read:

196.051 GUARDIANSHIP. Subdivision 1. APPOINTMENT OF COMMISSIONER. The probate court may appoint the commissioner of veterans affairs guardian of the estate of a veteran or dependent for whom the appointment of a guardian is found by the court to be necessary. When appointed and qualified, the commissioner may act as guardian of the estate. The probate court is not authorized to appoint the commissioner guardian of the person of a veteran. The word "veteran" as used in this section shall have the same meaning as it is defined in section 197.447.

Subd. 2. BONDING. Notwithstanding section 525.551 or other law, the commissioner is not required to file a bond when he acts as guardian pursuant to authority granted by section ~~196.05~~ 196.051.

Subd. 2 3. FUNDS. The commissioner may commingle the funds of persons who are under his guardianship pursuant to authority granted by section ~~196.05~~ 196.051. The commissioner shall keep complete and accurate accounts showing each transaction that occurs with respect to the funds of each person under his guardianship.

Sec. 5. Minnesota Statutes 1978, Section 197.06, is amended to read:

197.06 SOLDIERS' WELFARE AGENT. The commissioner of veterans affairs shall have charge of activities ~~hereunder as provided in this section~~, and may employ ~~such~~ assistants and incur ~~such~~ other expenses as may be necessary for the administration of ~~said~~ the state soldiers' welfare fund and carrying out the provisions of sections 197.01 to 197.07; ~~provided, that, No expense shall be incurred under the provisions of sections 197.01 to 197.07 in excess of the moneys available to such the state soldiers' welfare fund. The commissioner of veterans affairs may be appointed, by the probate court, guardian of the person or estate or both of any former service man or woman for whom or for whose estate or for~~

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

~~both the appointment of a guardian is found by the court to be necessary, and when so appointed and qualified may act as such. Any compensation received by him for so acting shall be paid into and become a part of the state soldiers' welfare fund.~~

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

(1) Administer the state soldiers' welfare fund;

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

(3) Establish and provide ~~such~~ assistance to a former soldier ~~needing who is in need of~~ hospitalization but unable to accept it because the acceptance thereof would imperil his ~~then~~ current employment, ~~as would 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 ~~such~~ the soldier is being hospitalized and afterwards during such period as is necessary;

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

~~(6)~~ (5) Cooperate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed ~~therein by federal law~~, when exceptional conditions in an individual case make it necessary; and

~~(7)~~ (6) Establish and provide ~~such~~ employment, placement, and advisement service for disabled veterans as cannot be furnished by cooperation with other free public employment agencies.

Sec. 6. Minnesota Statutes 1978, Section 198.01, is amended to read:

198.01 VETERANS HOME; ELIGIBILITY OF VETERANS. The Minnesota veterans home shall provide a home for veterans of all wars, and their spouses, surviving spouses, and parents, who meet eligibility and admission requirements, and who comply with the rules and regulations of the Minnesota veterans home. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released therefrom under conditions other than dishonorable, and who did not receive a bad conduct discharge, shall be eligible for admission to the Minnesota veterans home. Persons who received bad conduct or dishonorable discharges from the armed forces of the United States as a result of drug dependency or abuse shall be eligible for admission to the Minnesota veterans home. The word "veteran" as used in this section means any person who is a citizen of the United States and has been separated under honorable conditions from any branch of the armed forces of the

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

United States: (a) after service on active duty for 181 consecutive days; or, (b) after service during a period of war; or, (c) by reason of disability incurred while serving on active duty. A "period of war" as it refers to eligibility, is defined as follows:

~~(1) Civil War, or war between the states.~~

~~(2) Mexican War.~~

~~(3) (1) The Spanish-American War, April 21, 1898 through July 4, 1902.~~

~~(a) Includes Philippine Insurrection and Boxer rebellion.~~

~~(b) Includes service in Moro Province, April 21, 1898 through July 15, 1903.~~

~~(4) (2) World War I, April 6, 1917 through April 1, 1920.~~

~~(a) Includes service in Russia, April 16, 1917 through April 1, 1920.~~

~~(b) Includes service through July 2, 1921 if active duty performed during basic war period.~~

~~(5) (3) World War II, December 7, 1941 through December 31, 1946 and through July 25, 1947 if continuous duty began on or before December 31, 1946.~~

~~(a) Through July 25, 1947 if continuous duty began on or before December 31, 1946.~~

~~(6) (4) The Korean Conflict, June 27, 1950 through January 31, 1955.~~

~~(7) (5) The Vietnam era, August 5, 1964 through July 27, 1973.~~

Sec. 7. EFFECTIVE DATE. This act is effective the day following final enactment.

Approved March 31, 1980

CHAPTER 415—S.F.No. 1674

An act relating to labor; exempting seamen from the fair labor standards act; amending Minnesota Statutes, 1979 Supplement, Section 177.23, Subdivision 7.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes, 1979 Supplement, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. "Employee" means any individual employed by an employer but shall not include

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