

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The amounts shown in the program totals are reduced by \$87,500 the first year and \$87,500 the second year from the general fund. Reductions must be made from appropriations that will not reduce revenue to the general fund.

**Sec. 7. REPEALER.**

Minnesota Statutes 1986, section 360.015, subdivision 20, is repealed.

**Sec. 8. EFFECTIVE DATE.**

Sections 1 and 2 are effective July 1, 1988. Sections 4 to 7 are effective the day following final enactment.

Approved April 28, 1988

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**CHAPTER 699—S.F.No. 1595**

*An act relating to state agencies; returning the control of the Minnesota veterans home to the department of veterans affairs; creating the veterans home board of directors and providing for its powers and duties; providing for the appointment of deputy commissioners and providing for their powers and duties; modifying the levy for county veteran's service officer costs; appropriating money; amending Minnesota Statutes 1986, sections 196.03; 196.05; 197.60, subdivision 4; 198.001; 198.01; 198.022; 198.03; 198.05; 198.065; 198.075; 198.16; 198.161; 198.23; 198.231; 198.261; 198.265; 198.266; 198.31; 198.32; 198.33; and 198.34; proposing coding for new law in Minnesota Statutes, chapters 196 and 198; repealing Minnesota Statutes 1986, sections 196.02, subdivision 3; and 198.06.*

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

**Section 1. [196.021] DEPUTY COMMISSIONERS TO BE APPOINTED; DUTIES.**

Subdivision 1. APPOINTMENT. The commissioner shall appoint a deputy commissioner for veteran services as provided in subdivision 2, and the board of directors of the Minnesota veterans homes may appoint a deputy commissioner for veteran health care as provided in section 8. Both deputy commissioners serve in the unclassified service, the deputy for veteran services at the pleasure of the commissioner and the deputy for veteran health care at the pleasure of the board. Both deputies shall be residents of Minnesota, citizens of the United States, and veterans as defined in section 197.447.

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**Subd. 2. DEPUTY FOR VETERAN SERVICES; POWERS AND DUTIES.**  
The deputy commissioner for veteran services has those powers delegated by the commissioner that have not otherwise been delegated to the deputy commissioner for veteran health care by the commissioner or assigned to that deputy commissioner by law. A delegation must be in writing, signed by the commissioner, and filed with the secretary of state.

Sec. 2. Minnesota Statutes 1986, section 196.03, is amended to read:

**196.03 OFFICERS AND EMPLOYEES.**

Except as provided in chapter 198, all officers and employees of the department shall be appointed by the commissioner and they shall perform such duties as may be assigned to them by the commissioner.

Sec. 3. Minnesota Statutes 1986, section 196.05, is amended to read:

**196.05 DUTIES OF COMMISSIONER.**

The commissioner shall:

(1) Act as the agent of a resident of the state having a claim against the United States for benefits arising out of or by reason of service in the armed forces and prosecute the claim without charge;

(2) Act as custodian of 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 other funds appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation of veterans;

(6) Cooperate with 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 veteran while the veteran is hospitalized and 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 to do so by an agency of the United States of America provided sufficient personnel are available;

New language is indicated by underline, deletions by ~~strikeout~~.

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

(10) Assist in implementing state laws, rights and privileges relating to the reemployment of veterans upon their separation from the armed forces;

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

(12) Exercise other powers as may be authorized and necessary to carry out the provisions of this chapter and chapters 197 and 198, consistent with those chapters.

Sec. 4. Minnesota Statutes 1986, section 197.60, subdivision 4, is amended to read:

Subd. 4. 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 ~~in any county which has a population of 150,000 or less.~~ 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 mill rates.

Sec. 5. Minnesota Statutes 1986, section 198.001, is amended to read:

**198.001 DEFINITIONS.**

Subdivision 1. For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Resident" means a person admitted to any of the Minnesota veterans ~~home~~ homes.

Subd. 4. "Administrator" means ~~the~~ an administrator of any of the Minnesota veterans ~~home~~ homes.

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

Subd. 6. "Board" means the board of directors of the Minnesota veterans homes, created by section 6.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 7. "Deputy commissioner" means the deputy commissioner of veterans affairs for veteran health care.

Subd. 8. "Home" means any of the Minnesota veterans homes.

**Sec. 6. [198.002] BOARD OF DIRECTORS.**

Subdivision 1. CREATION. The Minnesota veterans homes are governed by a board of directors appointed by the governor.

Subd. 2. MEMBERSHIP. The board consists of nine voting members appointed by the governor with the advice and consent of the senate. The members of the board shall fairly represent the geographic areas of the state. The members are:

(1) a chair, designated by the governor;

(2) three public members experienced in policy formulation with professional experience in health care delivery; and

(3) five members experienced in policy formulation with professional experience in health care delivery who are members of congressionally chartered veterans organizations or their auxiliaries that have a statewide organizational structure and state level officers in Minnesota.

The commissioner of veterans affairs shall serve as an ex officio, nonvoting member of the board. The chair of the senate veterans affairs committee and the chair of the house committee on general legislation, veterans affairs, and gaming serve as ex officio, nonvoting members of the board if they are veterans. In the event that one or both of the chairs are not veterans, then any member of the respective committees who is a veteran may be designated by the chair to serve on the board.

Subd. 3. TERMS; COMPENSATION. Membership terms, compensation of members, removal of members, and filling of vacancies are as provided in section 15.0575.

Subd. 4. INITIAL APPOINTMENTS. Initial appointments to the board of directors are not subject to section 15.0597.

Subd. 5. ADMINISTRATIVE SERVICES. The commissioner of veterans affairs shall provide administrative services to the board necessary for it to carry out its responsibilities.

Subd. 6. FUTURE ELIMINATION. If the governor fails to appoint a board, or if the board is eliminated by any other means, its authority vests in the commissioner of veterans affairs.

**Sec. 7. [198.003] POWERS AND DUTIES.**

(a) It is the duty of the board and the board has the power to:

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(1) determine policy and, subject to chapter 14, adopt, amend, and repeal rules for the governance of the homes;

(2) report quarterly to the governor on the management, operations, and quality of care provided at the homes; and

(3) take other action as provided by law.

(b) The board may appoint a deputy commissioner who shall serve as secretary of the board.

**Sec. 8. [198.004] DEPUTY COMMISSIONER FOR VETERAN HEALTH CARE TO BE APPOINTED; DUTIES.**

Subdivision 1. APPOINTMENT. The board may appoint a deputy commissioner of veterans affairs for veteran health care who shall have the training, experience, and other qualifications in the field of health care management as the board determines.

Subd. 2. POWERS AND DUTIES. If a deputy commissioner is appointed by the board, the deputy commissioner is the administrative head of the veterans homes and has the powers and duties provided by law and delegated by the commissioner. A delegation must be in writing, signed by the commissioner, and filed with the secretary of state. If appointed, the deputy commissioner shall:

(1) act as an advisor to the board and shall also act as its secretary;

(2) attend the meetings of the board;

(3) prepare and recommend to the board policies and rules for governance of the homes;

(4) appoint an administrator of each home with the approval of the board;

(5) appoint other employees of the homes in accordance with chapter 43A, which appointment power must be delegated to administrators;

(6) define the duties of the administrators and employees, and delegate to the administrators those powers and duties determined by the deputy, subject to the control of the deputy;

(7) with the assistance of the administrators, prepare and submit biennial and annual budgets for the homes to the board and with the approval of the board submit the budgets to the commissioner of veterans affairs for review and comment. The commissioner shall forward the budgets to the commissioner of finance as part of the department's budget;

(8) report to the board, at least quarterly, on the management, operations, and quality of care at the homes; and

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(9) with the approval of the board, perform other duties as may be required for the management and administration of the homes.

**Sec. 9. [198.005] ADMINISTRATORS.**

If a deputy commissioner of veteran health care is appointed by the board, the deputy commissioner shall, with the approval of the board, appoint an administrator for each of the veterans homes. The administrators act as the administrative head for their respective veterans homes. The administrators shall have a current Minnesota nursing home administrator's license and shall serve in the unclassified service. The salaries of the administrators are not subject to section 43A.17, subdivision 1. The deputy commissioner may remove an administrator with the approval of the board. If a deputy commissioner is not appointed by the board, the board shall appoint the administrators.

**Sec. 10. [198.006] SUPPLEMENTAL PROGRAMS.**

The board of directors shall work with federal, state, local, and private agencies to develop alternative institutional and noninstitutional care programs for veterans to supplement the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate level of care available.

**Sec. 11. [198.007] QUALITY ASSURANCE.**

The board shall use the case-mix system established under section 144.072 to assess the appropriateness and quality of care and services provided residents of the homes.

The board shall adopt a preadmission screening program, such as the one established under section 256B.091, for all applicants for admission to the homes who may require nursing or boarding care.

Sec. 12. Minnesota Statutes 1986, section 198.01, is amended to read:

**198.01 VETERANS HOME; ELIGIBILITY OF VETERANS.**

The Minnesota veterans ~~home~~ homes shall provide a home nursing care and related health and social services for veterans and their spouses, ~~surviving spouses, and parents,~~ who meet eligibility and admission requirements; and who comply with the rules of the Minnesota veterans home ~~homes~~. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released from the armed forces 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 or resident alien and has been separated under honorable conditions from any branch of the armed forces of the 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

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serv~~ing~~ on active duty has the meaning provided in section 197.447. A "period of war" is:

- (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.~~
- (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.~~
- (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.~~
- (4) ~~The Korean Conflict, June 27, 1950, through January 31, 1955.~~
- (5) ~~The Vietnam era, August 5, 1964, through July 27, 1973.~~

Sec. 13. Minnesota Statutes 1986, section 198.022, is amended to read:

**198.022 ELIGIBILITY OF SPOUSES, SURVIVING SPOUSES, PARENTS.**

The ~~commissioner~~ board is hereby authorized to admit eligible spouses ~~accompanying veterans, or to admit spouses, surviving spouses and parents of those veterans who are or if living would be, eligible for admission to the home homes.~~

- (1) All applicants for admission to the Minnesota veterans home must be without adequate means of support and unable by reason of wounds, disease, old age, or infirmity to properly maintain themselves.
- (2) Veterans must have served in a Minnesota regiment or have been credited to the state of Minnesota, or have been a resident of the state preceding the date of application for admission.
- (3) Spouses, and surviving spouses, ~~and~~ parents of eligible veterans must be at least 55 years of age, and have been residents of the state of Minnesota preceding the date of application for admission.
- (4) ~~A surviving spouse, eligible for admission except that the veteran did not serve in a Minnesota regiment or was not a resident of Minnesota at the time of death may be eligible for admission provided the surviving spouse has resided in the state not less than 15 years next preceding the date of application for admission.~~

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(5) A spouse, surviving spouse or parent of the veteran who has previously been a resident of Minnesota for not less than ten years and who lost residency in the state by moving therefrom for the benefit of health or the health of a spouse or child, and who has returned to the state for the purpose of making it home is eligible for admission to the veterans home provided the spouse is otherwise eligible.

(6) A spouse or surviving spouse of a veteran of the Civil War shall be eligible for admission if married to the veteran prior to the year 1905. A spouse or surviving spouse of a veteran of the Spanish-American War, the Philippine Insurrection, or the Boxer Rebellion shall be eligible for admission if married to the veteran prior to December 31, 1937.

Sec. 14. Minnesota Statutes 1986, section 198.03, is amended to read:

#### 198.03 MAINTENANCE CHARGES.

Any person otherwise eligible for admission to the Minnesota veterans ~~home~~ homes, except that the person has means of support, may, at the discretion of the ~~commissioner of veterans affairs~~ board, be admitted to one of the Minnesota veterans ~~home~~ homes upon entering into and complying with the terms of a contract made by the person with the ~~commissioner~~ board, providing for reasonable compensation to be paid by such person to the state of Minnesota for care, support, and maintenance in the home. Any earnings derived by the person from participating in a work therapy program while the person is a resident of the home may not be considered a means of support.

Sec. 15. Minnesota Statutes 1986, section 198.05, is amended to read:

#### 198.05 NEW BUILDINGS.

The department of administration shall have and exercise full authority in the erection and construction of new buildings at the veterans ~~home~~ homes. When new buildings are to be erected and constructed by authority of the state or old buildings to be remodeled it shall be the duty of the department of administration to cause to be prepared plans and specifications for the same, but in so doing it shall consult with the ~~commissioner~~ board in respect to these plans and specifications and shall adopt and carry out, so far as it deems practicable, their requests and desires in the matter.

Sec. 16. Minnesota Statutes 1986, section 198.065, is amended to read:

#### 198.065 CHIROPRACTIC CARE AVAILABILITY.

In addition to the other services now provided to residents of the Minnesota veterans ~~home~~ homes, the ~~commissioner~~ board shall provide chiropractic services. The services shall be provided, as appropriations permit, without charge to residents by a licensed chiropractor who is either employed by the ~~commissioner~~ board for the purpose or who has contracted with the ~~commissioner~~ board to provide the services.

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**Sec. 17. [198.066] GERIATRIC RESEARCH AND TEACHING.**

The board of directors shall develop a geriatric research and teaching mission for the homes in collaboration with the Veterans Administration and other medical education and allied health facilities.

Sec. 18. Minnesota Statutes 1986, section 198.075, is amended to read:

**198.075 MINNESOTA VETERANS HOME EMPLOYEES; EXCLUDED FROM COMMISSARY PRIVILEGES.**

No commissary privileges including food, laundry service, janitorial service, and household supplies shall be furnished to any employee of the Minnesota veterans ~~home~~ homes.

Sec. 19. Minnesota Statutes 1986, section 198.16, is amended to read:

**198.16 DONATIONS; GENERAL PURPOSES.**

The ~~commissioner~~ board is hereby authorized to accept on behalf of the state any gift, grant, bequest, or devise made for the purposes of this chapter, and administer the same as directed by the donor. All proceeds therefrom including moneys derived from the sale of any real or personal property shall be deposited in the state treasury and credited to the Minnesota veterans home endowment, bequest, and devises fund. Said fund shall consist of two accounts, one of which shall include any trusts prescribed by the donor, the other shall include any currently expendable proceeds. Disbursements from this fund shall be made in the manner provided for the issuance of other state warrants.

Whenever the ~~commissioner~~ board shall deem it advisable, in accordance with law, to sell or otherwise dispose of any real or personal property thus acquired, the commissioner of administration upon the request of the ~~commissioner of veterans affairs~~ board shall sell or otherwise dispose of said property in the manner provided by law for the sale or disposition of other state property by the commissioner of administration.

Sec. 20. Minnesota Statutes 1986, section 198.161, is amended to read:

**198.161 DONATIONS; PARTICULAR PURPOSES.**

The commissioner may accept donations and gifts of money for the benefit of the residents of the ~~home~~ homes. All moneys so received shall be deposited in a separate account ~~at~~ for the home and records shall be kept, clearly showing the identity of the donor, the purpose of the donation and the ultimate disposition of the donation. Each donation shall be duly receipted and shall be expended or used by the ~~commissioner~~ board as nearly in accordance with the condition of the gift or donation as is compatible with the best interests of the residents of the ~~home~~ homes. The donations so received to the extent they are made to the state of Minnesota are hereby appropriated to the ~~commissioner of veterans affairs~~ board for the purposes of this chapter.

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Sec. 21. Minnesota Statutes 1986, section 198.23, is amended to read:

**198.23 PERSONAL PROPERTY OF RESIDENTS; WILLS.**

Upon the decease of any resident of the ~~home~~ homes, the ~~commissioner board~~ shall cause such of the resident's personal estate as may be left in the resident's possession to be disposed of pursuant to the resident's will, if any. All property of the deceased resident of the home not so bequeathed by will, and remaining at ~~the a~~ home, unclaimed, for one year after the resident's death, shall be inventoried, appraised, and sold, and the proceeds thereof paid into the state treasury to the credit of the Minnesota veterans ~~home~~ homes endowment, bequest and devises fund.

Sec. 22. Minnesota Statutes 1986, section 198.231, is amended to read:

**198.231 PERSONAL PROPERTY OF DISCHARGED RESIDENTS.**

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

Sec. 23. Minnesota Statutes 1986, section 198.261, is amended to read:

**198.261 CANTEEN AND COFFEE SHOP.**

Any profits derived from the operation of ~~the canteen~~ canteens and coffee ~~shop~~ shops at the Minnesota veterans ~~home~~ homes shall be used by the ~~commissioner board~~ only for the direct benefit of the residents of the ~~home~~ homes.

Sec. 24. Minnesota Statutes 1986, section 198.265, is amended to read:

**198.265 DEPOSITORY ACCOUNTS.**

The ~~commissioner board~~ may accept moneys from residents for safe keeping purposes to be returned to such residents on demand. Sufficient money shall be retained at the ~~home~~ homes to satisfy normal demand withdrawal requests of the residents and other anticipated needs. Residents' deposits shall otherwise be deposited in the state treasury to a separate investment account provided by the commissioner of finance, which shall be invested by the state board of investment in accordance with section 11A.21. Residents' moneys on deposit in this account may be placed in this account only after the member has signed an agreement that the resident is willing to have the money in an account that does not draw interest directly to the resident personally.

There is annually appropriated from the account established by this section a sufficient amount to return to the Minnesota veterans ~~home~~ homes, upon written request, sufficient money to satisfy the demand of residents for the return of their money and other requirements.

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The interest earned from the investment of the deposits is annually appropriated to the commissioner from the account established by this section to be used by the ~~commissioner~~ board only for the direct benefit of the residents of the ~~home~~ homes, and the interest shall be available to the ~~home~~ homes not less than twice each year.

Sec. 25. Minnesota Statutes 1986, section 198.266, is amended to read:

**198.266 IMPREST CASH FUNDS.**

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

Sec. 26. Minnesota Statutes 1986, section 198.31, is amended to read:

**198.31 VETERANS HOME, HASTINGS.**

Control of the state hospital facilities at Hastings is transferred to the ~~commissioner of veterans affairs~~ board. This transfer includes the cemetery. The ~~commissioner~~ board shall establish a ~~200 bed~~ veterans home in these facilities. The veterans home shall be licensed in accordance with the boarding care rules of the department of health. ~~To the extent practical, the veterans home at Hastings shall be operated in the same manner as provided for the Minnesota veterans home at Minneapolis by sections 198.001 to 198.265.~~

Sec. 27. Minnesota Statutes 1986, section 198.32, is amended to read:

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

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

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

Sec. 28. Minnesota Statutes 1986, section 198.33, is amended to read:

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

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

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

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

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

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

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

Subd. 2. **WAIVER PROHIBITED.** The Minnesota veterans ~~home~~ homes may not require a resident to waive protection against unreasonable searches and seizures as a condition of eligibility for admission or continuing residence at ~~the~~ a home. A search conducted under a waiver obtained in violation of this

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section is an unlawful search and seizure and the person aggrieved may move the district court for return of the property under section 626.21.

Sec. 29. Minnesota Statutes 1986, section 198.34, is amended to read:

**198.34 DEPOSIT OF RECEIPTS.**

Federal money received by the ~~commissioner~~ board for the care of veterans in a veterans home, after being credited to a federal receipt account, must be transferred to the ~~special general~~ revenue fund in the state treasury. Money paid to the ~~commissioner~~ board by a veteran or by another person on behalf of a veteran for care in a veterans home must be deposited in the state treasury and credited to the ~~special general~~ revenue fund.

**Sec. 30. TRANSFER.**

The duties of the commissioner of veterans affairs relating to the governance, management, and administration of the Minnesota veterans homes in Minneapolis and Hastings, transferred to the commissioner of human services by the commissioner of administration by reorganization order 149, are transferred to the board of directors of the Minnesota veterans homes created in section 6. The transfer is governed by Minnesota Statutes, section 15.039.

**Sec. 31. TRANSFER OF LICENSE; INSPECTION.**

Notwithstanding Minnesota Statutes, sections 144A.04, subdivision 4, and 144A.11, subdivision 2, the commissioner of health shall issue new licenses for the Minnesota veterans homes in Minneapolis and Hastings to the board of directors of the homes upon the application of the board.

Before the licenses are transferred, the commissioner of health will conduct an on-site review and audit of the veterans homes and will publicize the results.

The board shall invite officials of the Veterans Administration to also conduct an inspection.

**Sec. 32. APPROPRIATION.**

\$30,000 in fiscal year 1988 and \$125,000 in fiscal year 1989 is appropriated from the general fund to the board of the Minnesota veterans homes for the purposes of Minnesota Statutes, chapter 198.

**Sec. 33. REPEALER.**

Minnesota Statutes 1986, sections 196.02, subdivision 3; and 198.06, are repealed.

**Sec. 34. EFFECTIVE DATE.**

Sections 1 to 3, 5 to 28, and 30 to 33 are effective the day following final enactment. Section 29 is effective July 1, 1989.

Approved April 28, 1988

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