

licensing are similar to the requirements imposed under this chapter along with a copy of the licensing document from the other state;

(2) certification that the exempt out-of-state collection agency will not solicit or collect claims for any creditor who has a business presence in this state. A creditor has a business presence in this state if either the creditor or an affiliate or subsidiary of the creditor has an office in this state;

(3) certification that the exempt out-of-state collection agency will not establish a physical presence in this state and that all collection activity in this state will be conducted exclusively by means of interstate communications including telephone, mail, or facsimile transmission;

(4) evidence of a corporate surety bond substantially similar, as determined by the commissioner, to the bond required under section 332.34;

(5) appointment of the commissioner as the exempt out-of-state collection agency's agent for service of process in this state; and

(6) written acknowledgment that the exempt out-of-state collection agency agrees to be subject to the jurisdiction of Minnesota courts and the Minnesota Administrative Procedures Act, chapter 14, in connection with the commissioner's enforcement of Minnesota law pertaining to collection activities in Minnesota, including compliance with this chapter and chapter 45.

Subd. 3. NOTICE. An exempt out-of-state collection agency must advise the commissioner of any material changes to the information submitted in the most recent application within ten days of the change.

Subd. 4. LOSS OF EXEMPTION. In addition to fines and other authorized sanctions, a certificate of exemption is considered revoked if the exempt out-of-state collection agency is found to be in violation of any provision of Minnesota Statutes, chapter 45 or 332, or the Fair Debt Collection Practices Act of 1977, United States Code, title 15, sections 1691 to 1693r.

Presented to the governor April 10, 2000

Signed by the governor April 13, 2000, 5:00 p.m.

#### CHAPTER 390—S.F.No. 3138

*An act relating to veterans; making technical changes regarding duties of the commissioner of veterans affairs; extending the agent orange information and assistance program to include other veterans and other chemicals; authorizing the placement of a plaque in the court of honor on the capitol grounds to honor combat wounded veterans; repealing obsolete language; amending Minnesota Statutes 1998, sections 196.05, subdivision 1; 196.052; 196.19; 196.21, subdivisions 2, 3 and 4; 196.22; 196.23; 196.24, subdivisions 1 and 2; 196.26; 197.04; 197.05; 197.06; repealing Minnesota Statutes 1998, sections 196.20; 197.01; 197.02; and 197.49;*

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

*Minnesota Statutes 1999 Supplement, section 196.27.*

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

Section 1. Minnesota Statutes 1998, section 196.05, subdivision 1, is amended to read:

Subdivision 1. **GENERAL DUTIES.** 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' assistance 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, conservator, or representative payee of the estate for a minor or an incompetent person receiving money from the United States government when requested to do so by an agency of the United States of America provided sufficient personnel are available;

(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 these 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;~~

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

(12) assist dependent family members of military personnel who are called from reserve status to extended federal active duty during a time of war or national emergency through the state soldiers' assistance fund provided by section 197.03; and

(13) ~~(11)~~ exercise other powers as may be authorized and necessary to carry out the provisions of this chapter and ~~chapters~~ chapter 197 and 198, consistent with ~~these chapters that chapter;~~ and

(12) provide information, referral, and counseling services to those veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents.

Sec. 2. Minnesota Statutes 1998, section 196.052, is amended to read:

**196.052 GIFT ACCEPTANCE AND INVESTMENT.**

On the behalf of the state, the commissioner may accept any gift, grant, bequest, or devise made for the purposes of this chapter and ~~chapters~~ chapter 197 and 198. The commissioner must administer the funds as directed by the donor. All funds must be deposited in the state treasury and; ~~except as provided for in sections 198.16, 198.161, and 198.23, are~~ credited to the veterans affairs endowment, bequest, and devises fund. The balance of the fund is annually appropriated to the commissioner of veterans affairs to accomplish the purposes of this chapter and ~~chapters~~ chapter 197 and 198. Funds received by the commissioner under this section or ~~198.16, 198.161, and 198.23~~ in excess of current needs must be invested by the state board of investment in accordance with section 11A.24. Disbursements from this fund must be in the manner provided for the issuance of other state warrants. The commissioner may refuse to accept any gift, grant, bequest, or devise if acceptance would not be in the best interest of the state or Minnesota's veterans.

Sec. 3. Minnesota Statutes 1998, section 196.19, is amended to read:

**196.19 AGENT ORANGE ENVIRONMENTAL HAZARDS INFORMATION AND ASSISTANCE ACT; CITATION.**

Sections 196.19 to 196.26 may be cited as the "Agent Orange Environmental Hazards Information and Assistance Act."

Sec. 4. Minnesota Statutes 1998, section 196.21, subdivision 2, is amended to read:

Subd. 2. **VETERAN.** "Veteran" means a person who is a resident of this state and who served in the armed forces of the United States of America during the Vietnam era.

Sec. 5. Minnesota Statutes 1998, section 196.21, subdivision 3, is amended to read:

Subd. 3. **CHEMICAL AGENTS.** "Chemical agents" means dioxin or other toxic substances found in certain defoliants, herbicides, pesticides, and similar chemical substances agent orange and any other identified or unidentified chemical substance or compounds suspected by medical experts of adversely affecting the physical, mental, or emotional health of members of the armed forces.

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

Sec. 6. Minnesota Statutes 1998, section 196.21, subdivision 4, is amended to read:

Subd. 4. **AGENT ORANGE.** "Agent Orange" means a any herbicide, defoliant, or pesticide containing dioxin and composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

Sec. 7. Minnesota Statutes 1998, section 196.22, is amended to read:

**196.22 POWERS AND DUTIES OF THE COMMISSIONER.**

Subdivision 1. **AGENT ORANGE ENVIRONMENTAL HAZARDS INFORMATION AND ASSISTANCE PROGRAM.** The commissioner shall establish and maintain an Agent Orange an environmental hazards information and assistance program. The commissioner shall:

(1) provide information regarding epidemiological, genetic, and other scientific studies proposed, underway, or completed that pertain to adverse health conditions which may be associated with exposure to chemical agents, including Agent Orange;

(2) monitor and report on the activities and policies of the United States government relating to the exposure of veterans to chemical agents, including Agent Orange; and

(3) respond, within the commissioner's powers and duties under this chapter and chapter 197, to other issues of concern to veterans relating to exposure to chemical agents, including Agent Orange.

Subd. 2. **REFERRAL PROGRAMS.** The commissioner, in cooperation with the United States Veterans Administration, county veterans service officers, and veterans organizations shall institute referral programs to:

(1) refer veterans to appropriate federal agencies or other available resources for treatment of adverse health conditions which may have resulted from possible exposure to chemical agents, including Agent Orange; and

(2) refer veterans to state, county, or veterans organizations advocacy services to assist them in filing compensation claims for disabilities that may have resulted from possible exposure to chemical agents, including Agent Orange.

Subd. 3. **LIMITED STUDIES.** The commissioner may contract for limited studies regarding the prevalence of adverse health conditions in veterans which may be associated with possible exposure to chemical agents, including Agent Orange. Prior to contracting for such studies, the commissioner shall consult with the commissioner of health, the University of Minnesota school of public health, and other appropriate scientific and technical advisors pertaining to their design.

Subd. 5. **COMMUNICATION OF VETERANS CONCERNS.** Within the commissioner's powers and duties under chapters 196 and 197, the commissioner shall take any action appropriate to represent to appropriate officials and representatives of the United States government the concerns of veterans related to exposure to chemical

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agents, including Agent Orange, to appropriate officials and representatives of the United States government.

Sec. 8. Minnesota Statutes 1998, section 196.23, is amended to read:

**196.23 AGENT ORANGE ENVIRONMENTAL HAZARDS INFORMATION AND ASSISTANCE SECTION.**

Subdivision 1. **ESTABLISHMENT OF SECTION.** The commissioner shall establish an Agent Orange environmental hazards information and assistance section in the department of veterans affairs. The section shall be headed by a director. The commissioner shall provide the director with office space, administrative services, and clerical support.

Subd. 2. **POSITION OF DIRECTOR.** The director of the environmental hazards information and assistance section shall be appointed by the commissioner. The director shall assist the commissioner in carrying out the duties and responsibilities required under sections 196.19 to 196.26. The commissioner of employee relations, in consultation with the commissioner, shall establish minimum qualifications for the position of director. In setting the minimum qualifications, the commissioner of employee relations shall consider the scientific and technical background necessary to perform the duties under sections 196.19 to 196.26.

Sec. 9. Minnesota Statutes 1998, section 196.24, subdivision 1, is amended to read:

Subdivision 1. **INFORMATION TO HEALTH PROFESSIONALS.** The commissioner of health shall provide medical information to health professionals in this state regarding the detection, diagnosis, and treatment of acute and chronic symptoms which may be associated with exposure to chemical agents, including Agent Orange.

Sec. 10. Minnesota Statutes 1998, section 196.24, subdivision 2, is amended to read:

Subd. 2. **GENETIC INFORMATION AND COUNSELING.** The commissioner of health, in cooperation with the health facilities of the University of Minnesota, shall provide genetic information and counseling to veterans who have concerns regarding the possible genetic effects which may be associated with exposure to chemical agents, including Agent Orange.

Sec. 11. Minnesota Statutes 1998, section 196.26, is amended to read:

**196.26 CLASS ACTION REPRESENTATION BY ATTORNEY GENERAL.**

The commissioner may request the attorney general to represent a class of individuals composed of veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents, including Agent Orange, in a suit for release of information relating to exposure to these chemicals during military service and for release of individual medical records.

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

Sec. 12. Minnesota Statutes 1998, section 197.04, is amended to read:

**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~~ 197.03 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.

Sec. 13. Minnesota Statutes 1998, section 197.05, is amended to read:

**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~~ 197.03 to 197.07. The commissioner shall limit financial assistance to veterans and dependents to six months, unless recipients have been certified as ineligible for other benefit programs.

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

Sec. 14. Minnesota Statutes 1998, section 197.06, is amended to read:

**197.06 SOLDIERS' ~~WELFARE ASSISTANCE~~ 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~~ 197.03 to 197.07. No expense shall be incurred under the provisions of sections ~~197.01~~ 197.03 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;

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

(3) Establish and provide assistance to a former soldier ~~soldiers~~ and their dependents who is ~~are~~ 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 assistance with optical, dental, or other emergency medical needs; and

(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.

#### Sec. 15. **MEMORIAL PLAQUE; COMBAT WOUNDED VETERANS.**

A memorial plaque to honor combat wounded veterans may be placed in the court of honor on the capitol grounds. The plaque must be furnished by other than the department of veterans affairs and approved by the commissioner and the capitol area architectural and planning board.

#### Sec. 16. **REPEALER.**

Minnesota Statutes 1998, sections 196.20; 197.01; 197.02; and 197.49; and Minnesota Statutes 1999 Supplement, section 196.27, are repealed.

#### Sec. 17. **EFFECTIVE DATE.**

Section 15 is effective the day following final enactment.

Presented to the governor April 11, 2000

Signed by the governor April 14, 2000, 2:04 p.m.

### CHAPTER 391—S.F.No. 3346

*An act relating to real property; requiring the secretary of state to establish a task force to study and make recommendations on electronic filing of real estate documents.*

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

#### Section 1. **ELECTRONIC FILING OF REAL ESTATE DOCUMENTS.**

Subdivision 1. **TASK FORCE; MEMBERSHIP.** The secretary of state shall establish a task force to study and make recommendations for the establishment of a

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