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VETERANS' REWARDS AND PRIVILEGES 197.01

CHAPTER 197

VETERANS REWARDS AND PRIVILEGES

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197.01 FUNDS COLLECTED FROM UNITED STATES. The commissioner of veterans affairs, the board, superintendent, commission, or other administrative body in charge of any state insane hospital, the state sanatorium for consumptives, the University of Minnesota hospitals, or any state institution or in charge of any county hospital or sanatorium for consumptives, 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, are hereby authorized and directed to collect from the United States veterans' bureau or other agency of the United States government authorized to pay for the care and support of such persons, the maximum amount allowed and that can be collected for the care, maintenance, and treatment of any and all such ex-service persons.

[1923 c. 436 s. 1] (4599)

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, sanatorium, 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, sanatorium 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 hereinafter provided, for and on account of the state soldiers' welfare 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 he shall pay into the state soldiers' welfare 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.

[1923 c. 436 s. 2] (4600)

197.03 STATE SOLDIERS' WELFARE FUND CREATED. There is hereby created a state soldiers' welfare fund to aid and assist any citizen of 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 he 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 his dependents as hereinafter provided.

[1923 c. 436 s. 3; 1929 c. 327] (4601)

197.04 COMPOSITION OF FUND. The state soldiers' welfare 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' welfare fund or to the commissioner of veterans affairs for the benefit of the fund.

[1923 c. 436 s. 4; 1929 c. 327] (4602)

197.05 FUND, HOW EXPENDED. The state soldiers' welfare 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 who served in the military or naval forces of the United States and who is indigent or suffering from any disability whether acquired in such service or not; to assist any such person and his dependents as hereinafter provided in establishing and proving any just claim he may have against the United States government, or any other government or state for compensation, insurance, relief, or other benefits, and to provide emergency hospitalization, treatment, maintenance, and relief for any such person suffering from disability who was a bona fide resident of the state at the time his need arose and his 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.

Such fund is hereby appropriated to be used in such manner as the commissioner of veterans affairs may determine for such purposes.

[1923 c. 436 s. 5; 1929 c. 327] (4603)

197.06 SOLDIERS' WELFARE AGENT. The commissioner of veterans affairs shall have charge of activities hereunder, and may employ such assistants and incur such other expenses as may be necessary for the administration of said state soldiers'

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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 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 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, 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 hospitalization but unable to accept it because the acceptance thereof would imperil his then employment, as would 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 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) Cooperate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed therein, when exceptional conditions in an individual case make it necessary; and

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

[1923 c. 436 s. 6; 1925 c. 88; 1929 c. 327] (4604)

197.07 SOLDIERS' WELFARE FUND DEPOSITED IN STATE TREASURY.

The soldiers' welfare 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 him.

[1923 c. 436 s. 7] (4605)

197.09 EDUCATION OF CHILDREN OF SOLDIERS KILLED IN WORLD WAR; APPROPRIATION.

The sum appropriated under the provisions of Laws 1935, Chapter 350, shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children not under 16, and not over 22, years of age and who have for two years had their domicile in the state, of those who were killed in action or died from other causes during the World War, from April 6, 1917, to July 2, 1921, while serving in the army, navy or marine corps of the United States or as a result of such service, which children are attending or may attend any educational or training institution of a secondary or college grade or trade school, located within the state and approved by the state board of education. These children shall be admitted to state institutions of secondary or college grade free of tuition.

[1935 c. 350 s. 1; 1947 c. 176 s. 4] (4397-21)

197.10 MONEYS PAID TO EDUCATIONAL INSTITUTIONS. The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section 197.11, shall be payable to such institution from the fund hereby created on vouchers approved by the commissioner of veterans affairs. He shall determine the eligibility of the children who may make application for the benefits provided for in sections 197.09 to 197.11; satisfy himself of the attendance of such children at any such institution and of the accuracy of the charges submitted to him by the authorities of any such institution, on account of the attendance thereof of any such children.

[1935 c. 350 s. 2] (4397-22)

197.11 LIMITATION ON PAYMENTS. Not more than \$250 shall be paid under the provisions of sections 197.09 to 197.11 for any one child for any one year.

[1935 c 350 s 3; 1947 c 176 s 5] (4397-23)

197.12 [Obsolete]

197.13 LAND SECURED FOR RECREATION CAMPS FOR DISABLED VETERANS. The board of governors created by section 197.14 is hereby authorized and directed to purchase Big Island, Lake Minnetonka, and all buildings and other appurtenances thereon, on which is presently located the Big Island Veterans Camp, and which is described as follows: Government Lot One (1), Section Fourteen (14), Township One Hundred Seventeen (117), Range Twenty-three (23); Government Lot Two (2), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23); and that part of Government Lot Three (3), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23), commencing at the Northeast corner of said Government Lot Three (3), Section Twenty-three (23); thence Southwesterly along the lake shore to the Northeast corner of Lot A, Morse Island Park; thence South 350 feet to Lake Minnetonka; thence East along the shore of Lake Minnetonka to the East line of said Lot Three (3); thence North to the place of beginning, for the establishment and maintenance of a recreation and recuperative camp for the use and benefit of disabled veterans of the world war and other wars, resident in the state. Title to said land, buildings, and other appurtenances shall be held in the name of the board of governors of the Big Island Veterans Camp. Any funds derived from any appropriations, contributions, unexpended balances, or revenues heretofore or hereafter existing to the credit of any such veterans' camp operating under the provisions of sections 197.13 to 197.17 may be used for the purchase of land for such camp.

[1923 c 309 s 1; 1941 c 514; 1947 c 72 s 1] (4393)

197.14 BOARD OF GOVERNORS CREATED; MEMBERSHIP. There is hereby established a board of governors to be known as the Board of Governors of the Big Island Veterans Camp who shall have and exercise supervision, care, control, and management of such recreation and recuperation camp, which board shall consist of ten members who shall be selected and appointed as follows: two members thereof shall be selected and appointed by the state department of the American Legion, two members thereof shall be selected and appointed by the state department of the veterans of foreign wars of the United States, two members thereof shall be selected and appointed by the state department of the United Spanish war veterans, two members thereof shall be selected and appointed by the state department of the disabled American veterans of the world war, one member thereof shall be selected and appointed by but not from the board of county commissioners of the county wherein the recreation and recuperative camp is located, and one member, who shall act as the chairman of the board of governors, shall be selected and appointed by the commissioner of veterans affairs. Each member of the board of governors shall be appointed for a term of two years or until the appointment and qualification of his successor. The terms shall commence and shall expire on the first Monday in January. Provided, however, that the organizations which are authorized to appoint two members to the board of governors shall, for the terms commencing in January, 1948, appoint one such member for a term of one year, thereafter all appointments shall be made for a term of two years. Any vacancies at any time occurring in the board of governors shall be filled by appointment in like manner as hereinbefore provided for members of the board.

[1923 c 309 s 2; 1947 c 72 s 2] (4394)

197.15 POWERS AND DUTIES OF BOARD. The board of governors shall have full power and authority to formulate, make, and enforce all rules and regulations necessary for the proper management, control, and use of such veterans' recreation and recuperation camp; it shall have the authority to engage and to fix the compensation of manager and such employees and others as may be necessary for the care and operation of such camp, and to make such expenditures for the procurement of such incidentals as may advance the health and pleasure of the beneficiaries hereunder as may be necessary. Expenditures shall be made with the approval and upon the order of the chairman of the board of governors. The board of governors, in January of each year, shall make and file with commissioner of veterans affairs a report, together with its recommendations, covering its activi-

ties in the management and operation of this recreation and recuperation camp, including the extent of the use of the camp for the purpose intended and the benefits resulting therefrom during the preceding year.

[1923 c 309 s 3; 1947 c 72 s 3] (4395)

197.16 COMMISSIONER TO MANAGE APPROPRIATION. The commissioner of veterans affairs shall have the management and control of all state appropriations made for the use and benefit of such recreation and recuperation camp, and all expenditures made from such appropriations, but shall put such funds at the disposal of the board of governors as may from time to time be needed for the proper conduct of such camp and to advance the purpose of sections 197.13 to 197.17. Expenditures shall be made from the fund with the approval and upon the order of the chairman of the board of governors. The commissioner of veterans affairs shall make requests for such appropriations from the legislature as may be deemed necessary with which to make appropriate improvements on the tract of land to be used for such camp, and with which properly to carry out the purposes of sections 197.13 to 197.17. The commissioner of veterans affairs, or the board of governors, is hereby empowered to accept such donations, contributions, gifts, and bequests of real or personal property as may be made to it in order to further the purposes of sections 197.13 to 197.17, and to carry out such trusts thereby created as may not be inconsistent with the purposes of sections 197.13 to 197.17; the commissioner of veterans affairs may delegate such duties to the board of governors as he sees fit.

[1923 c 309 s 4; 1947 c 72 s 4] (4396)

197.17 WHO ARE ENTITLED TO BENEFITS. All disabled American veterans of the world war and other wars, who are residents of the state, shall be entitled to the advantages and privileges of such recreation and recuperation camp. The term "disabled American veterans," as used in sections 197.13 to 197.17, means and includes all veterans having a disability recognized as such by the United States government. The board of governors may extend the advantages and privileges of such recreation and recuperation camp to such classes of sick, ailing, or unfortunate ex-service men as it deems advisable from time to time.

[1923 c. 309 s. 5] (4397)

197.18 APPROPRIATION FOR OPERATION OF VETERANS' REST CAMPS. The board of public welfare or similar welfare body of any city and county in this state may annually expend an amount not in excess of \$9,000 in the operation and maintenance of a rest camp now being operated or which hereafter may be located or operated within such county or outside the limits thereof, for disabled or needy American war veterans and their families having a legal settlement in such county, and for such other disabled and needy veterans and their families, whose cost of maintenance while at the camp is paid by the state or some other person or agency.

[1929 c. 312 s. 1; 1937 c. 73 s. 1] (4397-1)

197.19 CERTAIN COUNTY BOARDS MAY APPROPRIATE MONEY FOR REST CAMPS. The board of county commissioners of any county having a population of over 500,000, in which a rest camp for disabled American war veterans is being operated, may annually expend an amount not in excess of the sum of \$3,000 to assist in the operation and maintenance of the rest camp.

[1931 c. 324] (4397-2)

197.20 BURIAL OF PERSONS WHO SERVED WITH ARMED FORCES. The commissioner of veterans' affairs, hereinafter referred to as the commissioner, shall cause to be decently buried, within or without the state, at a cost to the state of not more than \$100, the body of any person, male or female, who served in the armed forces of the United States in the civil or Spanish-American war, the Philippine insurrection, Boxer rebellion, Mexican border campaign, or the first World War or between September 16, 1940, and the date of the final cessation of hostilities in the second World War as proclaimed by proper federal authority, and of any person not a soldier who actually served in this state, or is a resident thereof, in the Indian war of 1862, and who dies within the state or is brought thereto for interment, and has not left sufficient means to defray the expenses of suitable burial. Such interment shall not be made in any place used exclusively for the burial of the pauper dead, and the relatives or comrades of the deceased, if they so desire, shall be permitted to conduct the burial service. The commissioner shall furnish at a cost of not to exceed \$7.00 a United States flag for each such veteran. All funds appropriated for the purposes of sections 197.20 to 197.24 shall be dis-

bursed by the commissioner in the same manner which other funds of the department are disbursed. The commissioner shall promulgate such regulations as are necessary to carry out the provisions of sections 197.20 to 197.24.

[R. L. s. 1850; 1907 c. 129; Ex. 1919 c. 37 s. 1; 1931 c. 363 s. 1; 1945 c. 377 s. 1] (4370)

197.21 HEADSTONES. The commissioner of veterans affairs, hereinafter referred to as the commissioner, shall cause to be placed a headstone at the grave of every such person named in section 197.20, bearing his name, and if ascertainable, the dates of his birth and death, and the designation of the organization to which he belonged or in which he served. The cost of such headstone shall not exceed \$15, finished and in place. It shall not be furnished by the state until the commissioner shall have applied unsuccessfully to the federal government therefor. When the federal government furnishes such stone, without a base the commissioner at a cost to the state of not more than \$10, shall cause the same to be properly placed. When such headstone heretofore has been furnished and erected other than by the state or the federal government and does not bear the designation of the organization to which such person belonged or in which he served, upon written request of the next of kin of such person or of the state commander of any veterans' organization chartered by the United States the commissioner at a cost to the state of not more than \$10, shall cause to be graven thereon the designation of the organization to which such person belonged or in which he served.

[R. L. s. 1851; 1925 c. 418; 1931 c. 363 s. 2; 1945 c. 377 s. 2; 1947 c. 171 s. 1] (4371)

197.211 PERSONS QUALIFIED FOR BENEFITS. Any person, male or female, who entered the armed forces of the United States on or after September 10, 1940, and who died prior to the effective date of Laws 1945, Chapter 377, is qualified for any of the benefits provided in Minnesota Statutes 1941, section 197.21.

[1945 c. 377 s. 3]

197.22 EXPENSE. The expense of such interments, or headstones not furnished by the federal government, and of base stones shall be borne by the state. The person in charge of the interment shall report all expenditures, with vouchers approved by the commissioner of veterans affairs, and the state auditor shall issue his warrant for the amount. The sum of \$2,500 is hereby appropriated annually for the defraying of such expenses.

[R. L. s. 1852; 1931 c. 363 s. 3] (4372)

197.23 MAY PROVIDE MARKERS. The commissioner of veterans affairs shall, upon the petition of any five reputable freeholders of any township or municipality, or of any patriotic or ex-service men's organization, procure for and furnish to the petitioners some suitable and appropriate metal socket for the grave of each and every soldier, sailor, marine, or nurse who served with honor in the forces of the United States and who is buried within the limits of the state, to be placed on the grave of such soldier, sailor, marine, or nurse for the purpose of permanently marking and designating the grave for memorial purposes.

[1909 c. 299 s. 1; 1931 c. 363 s. 4] (4373)

197.24 PETITIONS TO STATE NAMES. In all petitions to the commissioner of veterans affairs the petitioners shall state the names of soldiers buried and number of such graves in their township or municipality at the time of petitioning.

[1909 c. 299 s. 2; 1931 c. 363 s. 5] (4374)

197.25-197.30 [Obsolete]

197.31 DEFINITIONS. The word "soldier," as used in sections 197.31 to 197.38, means any officer, soldier, sailor, marine, nurse, student nurse, or dietitian who was in the military or naval forces of the United States and who was a bona fide resident of the state at the time he was commissioned, enlisted, inducted, appointed, or mustered into the military or naval service of the United States, and who entered such service prior to November 11, 1918, or who, having enlisted or been inducted prior to November 11, 1918, acquired an active duty status on or after such date, and who has received an honorable or ordinary discharge or release from such service, or who may still be in such service under honorable conditions, at the time of making application for the benefits of sections 197.31 to 197.38. The word "soldier" shall not be construed to mean, and shall not include, any person in such service during a period of enlistment, re-enlistment, extended enlistment, or other service which began after November 10, 1918, provided, that where discharge was given for the purpose of allowing promotion and acceptance of a commission and continuous service was performed thereunder, such subsequent service shall not be deemed to

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be a period of service beginning after November 10, 1918. Any person who, while in such service, received pay as a civilian employee shall not be entitled to the benefits of sections 197.31 to 197.38 for the period of such employment.

[1935 c. 213 s. 1] (4397-11)

197.32 SOLDIER'S BONUS. Any soldier shall be entitled to receive, as funds are made available, from the State of Minnesota, as provided in sections 197.31 to 197.38, the sum of \$15 for each and every month or fraction thereof of service given by him as such soldier subsequent to April 6, 1917, and prior to July 31, 1920; provided, that the amount received hereunder by any such soldier shall not be less than \$50.

[1935 c. 213 s. 2] (4397-12)

197.33 MUST FILE APPLICATION. Before receiving any such sum under the provisions of sections 197.31 to 197.38, the soldier shall file with the commissioner of veterans affairs application therefor on forms provided by him. Such application shall state facts sufficient to establish the status of such applicant as a soldier as defined herein, and shall be duly verified.

[1935 c. 213 s. 3] (4397-13)

197.34 WIDOW OR DEPENDENTS MAY RECEIVE BONUS. Where any soldier died and left surviving him a widow, or children now under 18 years of age, or parent or parents; such widow, if still single, or if there be no widow, or children now under 18 years of age, or if there be neither such mother, or if there be neither widow, children now under 18 years of age, nor mother, then such father shall be entitled to the amount which such deceased soldier would have received hereunder for the period of his active service, if living; provided, that where the parents of such deceased soldier are separated or divorced, then and in that event the parent with whom the soldier last resided and who became responsible for his funeral expenses and the expenses of his last illness shall receive the sum which such deceased soldier would have received for the period of his active service, if living.

[1935 c. 213 s. 4] (4397-14)

197.35 DUTIES OF COMMISSIONER. The administrative duties hereunder shall be performed by the commissioner of veterans affairs. It shall be the duty of the commissioner of veterans affairs to examine into such applications and he shall make any other examination necessary to establish the facts and approve or disapprove the same, or set apart as held for lack of facts sufficient to establish the right of such soldier to this compensation 60 days after request for such information. No assignment of any right or claim to benefits hereunder made prior to the granting of any relief hereunder and payment of the relief so granted shall be valid, and any transfer or attempt to transfer any such right or claim or any part thereof by any beneficiary prior thereto and the acquiring of or attempting to acquire by any person of any interest in or title to such claim prior to the payment of the relief granted shall be a misdemeanor and punishable as such.

[1935 c. 213 s. 5] (4397-15)

197.36 RULES. The commissioner of veterans affairs is hereby authorized to make such rules and regulations as may be necessary for the administration of sections 197.31 to 197.38 not inconsistent with their provisions.

[1935 c. 213 s. 6] (4397-16)

197.37 NOT TO APPLY TO SOLDIERS WHO HAVE RECEIVED BONUS. The provisions of sections 197.31 to 197.38 shall not apply to any soldier who has heretofore received a soldiers' bonus from the State of Minnesota under any law relating thereto.

[1935 c. 213 s. 7] (4397-17)

197.38 COMMISSIONER TO REPORT TO LEGISLATURE. Any application for relief approved pursuant to the provisions of sections 197.31 to 197.38 shall be reported by the commissioner of veterans affairs at the next session of the legislature, and no payment of any relief granted or approved pursuant to their provisions shall be paid until the necessary funds for the payment thereof have been made available by the legislature.

[1935 c. 213 s. 8] (4397-18)

197.39 CERTIFICATES TO VETERANS. Upon the application to him, subject to the conditions and requirements hereinafter contained, by any person who served in any military organization, mustered in from the State of Minnesota during the civil war and who served not less than one year in the field during such war, the commissioner of veterans affairs shall prepare and deliver to such applicant a "cer-

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tificate of military service." Such certificate shall recite the company, regiment, or organization served in, rank or ranks held by applicant, campaigns and battles engaged in, full time of service, and such other details in regard to the service of the applicant as may be, by the commissioner of veterans affairs, deemed advisable. The military certificate herein provided for shall be signed by the governor of the state and attested by the commissioner of veterans affairs.

[1909 c. 193 s. 1] (4378)

197.40 HOW PREPARED. The certificates herein provided for shall be appropriately lithographed or engraved and the form thereof shall be prepared by the commissioner of veterans affairs with the advice of a committee of veterans of Minnesota regiments of the civil war; such committee to be appointed by the commissioner of veterans affairs and serve without compensation.

[1909 c. 193 s. 2] (4379)

197.41 APPLICATION FOR CERTIFICATE. Any person entitled to and desiring such certificate shall make application in writing to the commissioner of veterans affairs in the form of an affidavit, setting forth the company or military organization served in, rank or ranks, length of service, date of enlistment and discharge, campaigns and battles engaged in, and such application shall also conform to such rules and requirements as the commissioner may prescribe. A near relative of any deceased veteran of such Minnesota military organization shall be entitled to receive a certificate of military service of such deceased soldier, provided, such soldier, if living, would have been entitled thereto.

[1909 c. 193 s. 3] (4380)

197.42 PENSIONS FOR INDIAN WAR VETERANS. Any and all persons, citizens and residents of the state or who resided therein continuously from September 15, 1862, to September 1, 1900, who rendered active service, bore arms or otherwise rendered efficient aid, and suffered any disabilities in the Indian massacre of 1862, from August 15 to September 15, 1862, according to the reports and files of the office of the commissioner of veterans affairs in this state, or upon due proof of service as aforesaid, shall be and they are hereby declared to be entitled to a pension of not to exceed \$12.00 per month from the first day of January, 1905, during their natural lives; and upon their decease the pension, if granted, and the right to make proof of such claim for pension and secure the same, shall descend and be payable to the widow of such decedent whose marital relations have existed since the year 1885. When any such person who would have been entitled to a pension under the provisions of sections 197.42 to 197.44 died prior to January 1, 1905, and such person having rendered active service, as hereinbefore provided, the widow of such person shall be entitled to such pension from January 1, 1905, to April 25, 1919, and after the passage and approval of Laws 1919 c. 519; provided, that she has not married since the death of her husband.

[1905 c. 315 s. 1; 1909 c. 459 s. 1; 1919 c. 519 s. 1; 1923 c. 292 s. 1] (4387)

197.43 PROOF; PAYMENT. Such proof thereof as may be required by the commissioner of veterans affairs shall be presented to him, and upon his approval and certificate declaring such person to be entitled to a pension under section 197.42, the state auditor shall draw orders for the payment of such pension, which orders shall be paid by the state treasurer from and out of any moneys not otherwise appropriated.

[1905 c. 315 s. 2] (4388)

197.44 APPLICATION OF 197.42. Section 197.42 shall not apply to or affect persons drawing relief by pension from the United States or the State of Minnesota.

[1905 c. 315 s. 3; 1923 c. 244 s. 1] (4389)

OTHER PROVISIONS RELATING TO VETERANS

197.45 PREFERENCE TO WAR VETERANS IN PUBLIC APPOINTMENTS.
Subdivision 1. **Who are veterans.** The word "veteran" as used in this section and section 197.46 means any man or woman honorably discharged from the army, navy, marine corps, or Women's Auxiliary Army Corps of the United States in the Civil War, Spanish-American War, Philippine Insurrection, China Relief Expedition, or any armed expedition for which Congress has awarded a campaign badge or medal, World War wherein the United States of America and the allied nations of England, France, and others were engaged in war against the Imperial German Government and its allies, and the war between the United States of America and its allies, and Germany, Japan, Italy and their allies, who is a citizen of the United States, and has been a resident of the state of Minnesota and of the county, city,

town, village, school district, or political subdivision thereof to which application is made for five years immediately preceding his application, or who enlisted from the state of Minnesota, and persons who served in the active military or naval service of any government allied with the United States in World War I or World War II, and have been honorably discharged therefrom, and who are citizens of the United States and were such citizens at the time of entrance into such active service, and have been residents of the state of Minnesota five years immediately preceding their application or who enlisted from the state of Minnesota.

Subd. 2. **Preference to war veterans in public appointments.** That in every public department and upon all public works in the state of Minnesota and the counties, cities, towns, villages, school districts, and all other political subdivisions and agencies thereof, honorably discharged veterans shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinafter mentioned on account of his age or by reason of any physical disability, provided such age and disability does not render him incompetent to perform properly the duties of the position applied for and when such veteran shall apply for appointment or employment under sections 197.45 and 197.46, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, except where said veteran has already been qualified under civil service for the position applied for, make an investigation as to the qualifications of said veteran for such place or position, and if he is of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said veteran to such position or place of employment.

In any governmental agency having an established civil service or merit system, no inquiry shall be made of any applicant for examination before such examination as to whether or not he is a veteran, nor shall any distinction be made in giving the examination or grading the results thereof on account of the fact that the applicant may be a veteran; provided, that this shall not abridge any preference to which such veteran is entitled. All governmental agencies when notifying the applicant that he has passed, shall inform the applicant of the right of a veteran to preference. The proper civil service or merit system authority shall certify his appointment and the appointing authority shall appoint such veteran before any other person is certified or appointed to fill a position for which the veteran has passed the examination.

A refusal to allow the preference provided for in this and the next succeeding section to any such honorably discharged veteran, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged veteran to a right of action therefor in any court of competent jurisdiction for damages, and such officer and the persons responsible for such refusal if such refusal was wilful shall be personally liable therefor, and also for a remedy for mandamus for righting the wrong.

Subd. 3. **Widows to have rights and privileges.** The widows of deceased veterans and the spouses of disabled veterans who, because of such disability, are unable to qualify, shall have all the rights and privileges given to a veteran by this section or by section 197.46.

[1907 c 263 s 1; 1917 c 499 s 1; 1919 c 14; 1919 c 192 s 1; 1937 c 121; Ex1937 c 6 s 1; 1943 c 230 s 1; 1945 c 502 s 1; 1949 c 687 s 1] (4368)

197.46 REMOVAL FORBIDDEN; RIGHT OF MANDAMUS; CERTIORARI; BURDEN OF PROOF. 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 state of Minnesota or in the several counties, cities, towns, villages, school districts and all other political subdivisions or agencies thereof, who is an honorably discharged veteran, 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. 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 ap-

pointed 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 clerk of the district court within ten days after service thereof. Issues of fact shall be framed upon motion of either party and the trial thereof shall be by jury unless trial by jury shall be waived. The burden of proving incompetency or misconduct shall rest upon the governmental subdivision alleging the same. Nothing in sections 197.45 and 197.46 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 sections 197.45 and 197.46. Any wilful violation of such sections by officers, officials, or employees is a misdemeanor.

[1907 c. 263 s. 2; 1917 c. 499 s. 1; 1919 c. 14; 1919 c. 192 s. 2; 1937 c. 121; Ex. 1937 c. 6 s. 2; 1943 c. 230 s. 2; 1945 c. 502 s. 2] (4369)

197.47 VETERANS' PREFERENCE ACT. The provisions of sections 197.45 and 197.46, known as the "Veterans' Preference Law," shall apply to and govern any appointment, employment, promotion, and removal of all employees of the state and of all other governmental agencies within the state enumerated in said sections, notwithstanding any provision to the contrary in any other existing law or in any city charter relating thereto.

[1931 c. 347 s. 1] (4369-1)

197.48 APPLICATION. No provision of any subsequent act relating to any such appointment, employment, promotion, or removal shall be construed as inconsistent herewith or with any provision of sections 197.45 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.

[1931 c. 347 s. 2] (4369-2)

197.49 INSURANCE BENEFITS OF DECEASED TO PASS TO NEXT OF KIN ON DISAPPEARANCE OF WIFE 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 him prior to his 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 pre-deceased him, and any and all benefits due and payable to his 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.

[Ex. 1937 c. 13] (4397-28)

197.50 BURIAL LOT FOR INSANE EX-SOLDIERS; APPROPRIATIONS. When a cemetery lot, situated near a state hospital for the insane, shall be conveyed to a responsible person in trust for the burial therein of indigent soldiers, sailors, and marines dying in the hospital, who served the United States in the civil or Spanish-American war, and the wives or widows of persons so dying, the duly recorded deed, or a certified copy thereof, may be filed with the state auditor. Upon being satisfied that such lot is suitable and adequate for the purpose, the auditor

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shall issue his warrant for \$500, payable to the nearest post of the grand army of the republic, and the treasurer shall pay the same on the endorsement of its commander. The fund shall be used for the ornamentation and care of the lot so conveyed and the erection of a suitable monument thereon. The post shall render to the auditor annual accounts of the expenditures therefrom and of the balances on hand. When it ceases to exist as a post, any balance remaining shall be paid to the superintendent of the hospital, to be used for the same purposes and accounted for in the same way. The sum of \$2,500 is hereby appropriated for the purpose aforesaid.

[R. L. s. 1853] (4375)

197.51 BURIAL FUND, HOW DISBURSED. The fund so appropriated shall be disbursed by the state auditor in the manner and under the conditions following, and not otherwise: As soon as the citizens or any number of them of any town in the state in which an insane hospital or asylum is located, shall have procured a suitable lot or plot of ground of sufficient size near such hospital or asylum, and such plot of ground shall be deeded to some responsible person or persons in the town or vicinity in trust for the burial of the persons heretofore named, and shall file a copy of the deed conveying such plot of ground with the state auditor, and such officer shall be satisfied that the ground so selected and deeded is sufficient and suitable for such purpose, he shall thereupon draw an order upon the state treasurer for the payment of the sum of \$500, payable to the grand army post nearest such hospital or asylum, and such order shall be paid by the treasurer to the post quartermaster when endorsed by the commander of such post and by such quartermaster, and such fund shall be employed by such post in beautifying and caring for such ground, and in the erection of a suitable monument thereon. A portion of such fund, not to exceed \$200, may be used for the payment of a portion of the purchase price of such lot or plot of ground. Annual accounts of the disposition and condition of which the fund shall be furnished by the quartermaster of such post and filed in the office of the state auditor. It shall be no objection to the deed of trust if it shall also provide for the burial in the plot of ground of the bodies of indigent soldiers and sailors, their wives and widows, as aforesaid, who may die in the vicinity.

[1901 c. 271 s. 2; 1905 c. 266 s. 1] (4376)

197.52 DUTY OF SUPERINTENDENT. After notice of such conveyance, the superintendent shall cause to be interred in the lot all persons of the classes aforesaid, dying in the hospital, whose burial is not otherwise provided for by relatives or friends. He shall also, so far as practicable, cause the bodies of those previously buried in the hospital grounds to be removed thereto, and shall furnish to the proper persons all facts within his knowledge essential to the placing of a suitable inscription upon the monument or headstones. If the deed shall so provide, the bodies of indigent persons of the classes mentioned in section 197.50 who may die in the vicinity, not inmates of the hospital, may be buried in the lot.

[R. L. s. 1854] (4377)

197.53 AMERICAN LEGION HEADQUARTERS IN STATE CAPITOL. The commissioner of administration shall set apart a suitably furnished room in state capitol, to be known as "Headquarters Room" of "The American Legion," which room shall be under the charge of Minnesota state commander of the American Legion for the department of Minnesota, and such person as he may in writing designate; and such room shall be used for the purpose of keeping therein supplies and property of the "American Legion" and as its general office for the department of Minnesota.

[Ex. 1919 c. 34 s. 1] (4384-1)

197.54 GRAND ARMY HEADQUARTERS; ANNUAL REPORT. A suitably furnished room in the capitol shall be set apart as headquarters for the Minnesota department of the grand army of the republic. The room shall be under control of the department commander, and used as a depository for the property of the department and for the conduct of its business. The records kept therein shall be open to members of the organization and to persons collecting information. The commander shall report annually to the governor such transactions of the department as he may deem of interest, 600 copies of which report shall be printed. The commissioner of administration shall distribute 250 copies among legislators, officers of the state, and public libraries, and deliver 350 copies to the commander.

[R. L. s. 1855] (4381)

197.55 QUARTERS FOR MEETINGS OF GRAND ARMY AND OTHER 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 to 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 all posts of the grand army of the republic, commanderies of the loyal legion, camps or posts of the veterans of the Philippine or Spanish-American wars, and any other 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.

[1905 c. 37 s. 1; 1911 c. 107 s. 1] (4382)

197.56 USE OF QUARTERS. Such organization shall have the equal and free use of all such quarters, under such rules and regulations 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.

[1905 c. 37 s. 2] (4383)

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.

[1905 c. 37 s. 3] (4384)

197.58 STATE TO PROVIDE SPACE FOR VETERAN ORGANIZATIONS. The commissioner of administration shall set apart a suitably furnished room in the state capitol, or other state office building, for the use of each of the following veteran organizations: the grand army of the republic, the united Spanish war veterans, the veterans of foreign wars of the United States, and the disabled American veterans of the world war, incorporated, or when incorporated, under the laws of the state. Such room 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 he 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.

[1929 c. 434] (4384-2)

197.59 EXEMPTION FROM LICENSE FEE; VETERANS; REGULATIONS. No license fee or other charge provided by any law of the state shall be required by any honorably discharged soldier, sailor, or marine who served the United States in the civil war, in the Spanish-American war, in the Philippine rebellion, or in the Boxer uprising or in World War I, or from September 10, 1940, to December 31, 1946, in World War II, for the privilege of hawking or peddling goods and merchandise, not prohibited by law or ordinance, in the county where he has established a bona fide residence, solely upon his own account. Nothing herein contained shall prevent any city, village, borough, 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 shall be deemed a misdemeanor, the minimum punishment whereof shall be a fine of \$10.

[R. L. s. 1849; 1907 c. 393 s. 1; 1917 c. 230 s. 1; 1919 c. 415; 1921 c. 434 s. 1; 1925 c 236; 1935 c 281; 1947 c 170 s 1] (4367)

197.60 VETERANS SERVICE OFFICERS; APPOINTMENT; COMPENSATION. Subdivision 1. The county board of any county may appoint a veterans service officer and may provide necessary clerical help, office space, equipment, and

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supplies for him, together with reimbursement for mileage and other traveling expenses necessarily incurred in the performance of his duties; and may appoint one or more assistant veterans service officers who shall have the qualifications prescribed in section 197.601, subdivision 1. The assistant veterans service officer may exercise all the powers, and shall perform the duties, of the veterans service officer, subject to his direction and control, and shall be subject to all the provisions of sections 197.60 to 197.607 relating to a veterans service officer. Every county officer and agency shall cooperate with the veterans service officer and shall provide him with information necessary in connection with the performance of his duties.

Subd. 2. Except as otherwise prescribed in sections 197.60 to 197.607, the term of appointment of a veterans service officer appointed pursuant to this section shall be two years unless removed for cause upon written charges and after a hearing thereon.

Subd. 3. Except as otherwise prescribed in sections 197.60 to 197.607, 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.

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 his 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.

[1945 c 96 s 1; 1947 c 408 s 1; 1949 c 583 s 1]

197.601 QUALIFICATION. Subdivision 1. No person shall be appointed a veterans service officer under sections 197.60 to 197.607 unless he has the following qualifications:

(1) Residence in the state of Minnesota for at least five years prior to his appointment;

(2) Citizenship in the United States;

(3) Service in the Army, Navy, or Marine Corps of the United States during a time when a state of war shall have been declared to exist by the Congress of the United States and an honorable discharge from such service or other form of release by proper authority indicating that his military or naval service was satisfactory;

(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.

[1945 c. 96 s. 2]

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 chairmen 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 by him 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.

[1945 c. 96 s. 3]

197.603 DUTIES. It shall be the duty of the veterans service officer to aid all residents of the governmental subdivision by which he is employed in securing benefits provided by law on account of the service of any person in the Army, Navy, or Marine Corps, from which he has a discharge other than dishonorable.

[1945 c. 96 s. 4]

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

[1945 c. 96 s. 5]

197.605 SUPERVISION. Subdivision 1. Every veterans service officer appointed under sections 197.60 to 197.607 shall be under the general supervision of the commissioner of veterans' affairs as to methods of operation.

Subd. 2. Every veterans service officer appointed under sections 197.60 to 197.607 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. The commissioner of veterans affairs shall have authority to prescribe such rules or regulations as are necessary for compliance with this section and the efficient uniform administration of sections 197.60 to 197.607. Such rules or regulations shall not apply to the appointment, tenure, compensation, or working conditions of a veterans service officer appointed under sections 197.60 to 197.607.

[1945 c. 96 s. 6]

197.606 CLASSED AS COUNTY EMPLOYEES. Veterans service officers and assistant veterans service officers appointed under sections 197.60 to 197.607 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.

[1945 c. 96 s. 7]

197.607 [Obsolete]

197.63 CERTIFIED COPIES OF VITAL STATISTICS RECORDS. Subdivision 1. **Issued to veterans without charge.** A certified copy of a birth, death, marriage, divorce record, or certified copy of veteran's discharge recorded pursuant to Minnesota Statutes 1945, Section 386.20, shall be issued promptly by the officer charged with the keeping of such records upon the request of, and without any charge to, any veteran, the surviving spouse or next of kin thereof, 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 such veterans organization or the Department of Veterans Affairs. The word "veteran" as used in this section means any man or woman honorably discharged from the army, navy, or marine corps of the United States in the Civil War, Spanish-American War, Philippine Insurrection, China Relief Expedition, Mexican Border Service, or any armed expedition for which Congress has awarded a campaign badge or medal, World War wherein the United States of America and the allied nations of England, France, and others were engaged in war against the Imperial German Government and its allies, and the war between the United States of America and its allies, and Germany, Japan, Italy and their allies, who is a citizen of the United States.

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, such officer shall be paid the legal fee therefor by the governmental subdivision of which he is an officer, and the governing body thereof is authorized and directed to order such payment made from the general revenue funds thereof.

[1945 c 19 s 1, 2; 1947 c 169 s 1]

197.64 VETERANS REFERRAL CENTER. Subdivision 1. Any city of the second class may appropriate not more than \$2,500 in any one year for the maintenance of a veterans referral center operated under the direction of a bona fide county veterans service committee; in the event any such city makes such appropriation, the county board of the county wherein such city is located may by resolution appropriate for the maintenance of such veterans referral center not more than \$5,000 in any one year, and the governing body of any such city and such county may make a written agreement or agreements fixing the percentage of the total cost and expense of maintaining such veterans referral center to be paid by each.

Subd. 2. All officers and employees of, and all other persons serving in or acting for or on behalf of, such veterans referral center who shall aid, or undertake to aid, any resident of such county in securing benefits provided by law on account of the service of any person in the Army, Navy or Marine Corps from which he has a discharge other than dishonorable, shall be under the general supervision of the

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Commissioner of Veterans Affairs as to methods of operation and shall be subject to the requirements, restrictions, and penalties of, and shall comply with, the provisions of sections five and six of Chapter 96, Laws of 1945, in the same respect and to the same extent as veterans service officers and their employees are subject to, and are governed by, said provisions.

Subd. 3. In the event the county board of any such county appoints a veterans service officer, such veterans referral center and all officers and employees thereof and all other persons serving in or acting for or on behalf of such veterans referral center who shall aid, or undertake to aid, any resident of such county in securing benefits provided by law on account of the service of any person in the Army, Navy or Marine Corps from which he has a discharge other than dishonorable shall be subject to the direction and control of the veterans service officer.

[1945 c. 499]

197.71 DEFINITIONS. The word "soldier" as used in sections 197.71 to 197.77 means any man or woman who shall have been engaged in active service as a part of the military or naval forces of the United States in the war between the United States and Germany, Japan, Italy, and their Allies, and who was a resident of the state of Minnesota at the time he was commissioned, enlisted, inducted, appointed, or mustered into the military or naval service, and who has been or may be given an honorable or ordinary discharge from such service; provided that such service shall have been given wholly or in part between December 7, 1941, and the cessation of hostilities as declared by proper federal authority and shall have continued for not less than 90 days unless terminated sooner by disability due to service in the military or naval forces.

[1943 c. 663 s. 1]

197.72 WAR VETERAN'S FUND. Subdivision 1. There is hereby created a special fund to be known as the War Veterans Fund to be used for the purposes hereinafter specified. To provide money for said fund, the state auditor is hereby authorized and directed to set aside on July 1, 1943, out of the surplus remaining in the general revenue fund unencumbered, after first deducting the sum of \$1,000,000 for a reserve balance in said fund, and the further sum of \$2,000,000 for prepayment of state debt, a sum not to exceed \$2,500,000. When so set aside, the money shall be credited to the War Veterans Fund and until needed for the purpose for which it was appropriated, such money shall be used only as provided in subdivision 2 of this section.

Subd. 2. Whenever there shall be money in the war veterans fund which is not currently needed, the commissioner of veterans' affairs shall certify to the state board of investment the amount thereof and when it will be needed for the purposes of sections 197.71 to 197.77. Upon receipt of the certification, the state board of investment may invest the amount so certified in bonds or securities of the United States of America, so conditioned as to be convertible into cash without discount through federal government agencies at the option of the state on or before the time when the proceeds will be needed as certified by the commissioner of veterans affairs. At or before the time so certified, except as the commissioner of veterans affairs may certify that there is no current need therefor, the board shall proceed to cash such bonds or securities and shall deposit the proceeds in the war veterans fund. All interest and profit accruing from the bonds or securities shall be credited to and be a part of the general revenue fund.

[1943 c. 663 s. 2]

197.73 APPROPRIATION FOR WAR VETERAN'S FUND. There is hereby appropriated out of the war veterans fund to the commissioner of veterans affairs for the purposes of sections 197.71 to 197.77 the sum of \$2,500,000. The money so appropriated shall be available for expenditure by the commissioner of veterans affairs on and after July 1, 1943, in such amounts and at such times as may be determined by the Governor after he has consulted with the legislative advisory committee and secured its recommendation, which shall be advisory only. Failure or refusal of the committee to make such recommendation shall be deemed a negative recommendation.

[1943 c. 663 s. 3]

197.74 FUND, HOW EXPENDED. Of the amount appropriated by section 197.73, not more than the sum of \$1,250,000 shall be expended by the commissioner of veterans affairs for the purpose of providing soldiers with the necessities of life and such other needs including but not limited to tools and equipment for use in

trade or business as may assist in their rehabilitation, on the basis of need as determined by the commissioner of veterans affairs, provided, that not more than \$250, less such amount as may have been granted to said soldier under section 197.75, shall be expended for the benefit of any individual soldier, and said benefits shall not continue longer than five years after discharge from service.

[1943 c 663 s 4; 1945 c 235 s 1; 1947 c 176 s 1]

197.75 LIMITATION ON EXPENDITURES. Subdivision 1. Of the amount appropriated by section 197.73, not more than the sum of \$1,250,000 shall be expended by the commissioner of veterans affairs for tuition of soldiers, and for tuition, fees, board, room, books and supplies of the children of soldiers who have died as a result of their service in the military or naval forces of the United States as determined by the United States Veterans' Administration or other instrumentality of the United States, in the University of Minnesota, a state teacher's college, a junior college, or any other college of higher learning within the state accredited by the North Central Association of Colleges and Secondary Schools, or in a trade school in the state which may be approved by the state department of education, for any course which such soldier or child may elect. Provided, however, that not more than \$250, less such amount as may have been granted such soldier under section 197.74, shall be expended for the benefit of any individual soldier, and not more than \$250 in any calendar year shall be expended for the benefit of any child under this section, and that need therefor shall be established and determined by the commissioner of veterans affairs. Payments of tuition as provided for herein shall be made by the commissioner of veterans affairs directly to the institution in which the course of instruction is given upon such conditions as shall be imposed by the commissioner of veterans affairs.

Subd. 2. None of the provisions of section 197.75, subdivision 1, shall be made available to any soldier who is entitled to the same or similar benefits under any law of the United States, rule or regulation of any department thereof, now in force or hereafter created, unless said soldier shall have exhausted the benefits he is entitled to under the laws of the United States, in which event he shall be entitled to the benefits provided for by section 197.75, subdivision 1.

Subd. 3. Each such institution shall certify to the commissioner of veterans affairs of the state the names of all applicants for benefits under this section who have presented to such institution an honorable discharge from the armed forces of the United States or proof of the service of the parent of such applicant.

Subd. 4. Each such institution shall make triplicate lists of such applicants, showing the name of each applicant, the unit of such armed forces in which the applicant or the parent of the applicant served, the course selected, and the charge for tuition for such course which shall be not more than the regular charge, and file the same with the commissioner of veterans affairs, who shall check such lists with such records as are on file in his office or as can be procured from reliable sources; the commissioner of veterans affairs shall thereupon certify to such institution the names of the applicants on such lists who are eligible for the benefits provided for in sections 197.71 to 197.77. At the end of each semester or term, each institution shall certify one of such lists certified to such institution by the commissioner of veterans affairs, showing the period each student listed thereon has attended and the proportion and amount of tuition applicable to such semester or term, and file the same with the commissioner of veterans affairs, who shall check such list and, if correct, authorize payment of the amounts due thereon in the manner provided by law.

[1943 c 663 s 5; 1945 c 235 s 2; 1947 c 176 s 2, 3]

197.751 WAR VETERANS FUND; DISBURSEMENT AT DISCRETION OF COMMISSIONER. Notwithstanding Minnesota Statutes 1945, Sections 197.74 and 197.75, as amended by Laws 1947, Chapter 176, the state auditor, upon request of the commissioner of veterans affairs approved by the governor, may transfer from time to time from any balance remaining of the \$1,250,000 available out of the War Veterans Fund for the purposes of Minnesota Statutes 1945, Section 197.74, as amended by Laws 1947, Chapter 176, to the sum available out of the War Veterans Fund for the purposes of Minnesota Statutes 1945, Section 197.75, as amended by Laws 1947, Chapter 176, the sum of \$500,000, or so much thereof as may be necessary.

[1949 c 617 s 1]

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197.76 COMMISSIONER OF VETERAN'S AFFAIRS TO EMPLOY ASSISTANTS. Subdivision 1. The commissioner of veterans affairs is hereby empowered to employ such assistance and to incur such other expense as may be necessary for the administration and the carrying out of the provisions of sections 197.71 to 197.77. The funds necessary for the administration and carrying out of the provisions of sections 197.71 to 197.77 including the subsistence of the members of the advisory committee and their traveling expenses at the rate of 15 cents per mile, shall be expended from the war veterans fund.

Subd. 2. The state department of civil service shall establish a special register in the classified service of the state from which may be certified the employees engaged in the administration of sections 197.71 to 197.77. No person, other than technically trained or highly skilled persons shall be placed on the special register, unless he is a soldier as defined in sections 197.71 to 197.77 or a veteran as defined by section 43.30. The Commissioner of Veterans' Affairs, whenever he deems it practicable, shall employ in the administration of sections 197.71 to 197.77 persons certified from the special register provided for herein. Pending the establishment of the special register, the commissioner of veterans affairs may employ temporary employees, but he shall so far as practicable employ a soldier as defined in sections 197.71 to 197.77.

[1943 c. 663 s. 6]

197.77 EXPENDITURES SUBJECT TO LAWS 1939, CHAPTER 431. Subdivision 1. Except as provided in subdivision 2 hereof, all money expended hereunder shall be subject to Laws 1939, Chapter 431, as amended.

Subd. 2. Money appropriated by sections 197.71 to 197.77 shall not be canceled into the general revenue fund until the purposes of sections 197.71 to 197.77 shall have been fully and completely accomplished. When the purposes of sections 197.71 to 197.77 have been fully and completely accomplished, the commissioner of veterans affairs shall certify that fact to the state auditor.

[1943 c. 663 s. 7]

197.80 DEFINITIONS. Subdivision 1. For the purposes of Laws 1949, Chapter 642, 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 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 the following: The United States Army, Army of the United States, United States Navy, United States Naval Reserve, United States Coast Guard, Women's Army Corps, Women's Auxiliary Army Corps, United States Navy Women's Reserve, United States Marine Corps Women's Reserve, United States Coast Guard Women's Reserve, Army Nurses' Corps, and Navy Nurses' Corps, United States Coast Guard Reserve, which shall not include the United States Coast Guard Temporary Reserve.

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, surviving brothers and sisters, in the order named.

Subd. 5. "Board" means a Veterans Affairs Review Board appointed pursuant to Laws 1949, Chapter 642, and authorized to review determinations made by the commissioner.

Subd. 6. "Commissioner" means the Commissioner of Veterans Affairs.

Subd. 7. (1) "Domestic duty" means service by a veteran in the armed forces inside the continental limits of the United States during his period of service;

(2) "Foreign duty" means service by a veteran in the armed forces in Alaska or outside the continental limits of the United States during his period of service.

Subd. 8. "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

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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. 9. "Honorable and faithful service" means such service in the armed forces as is evidenced by

1. An honorable discharge; or
2. In the case of an officer, a certificate of service; or
3. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable and faithful.

Subd. 10. "Period of service" means the period of active service of a veteran in the armed forces between December 7, 1941, and September 2, 1945, both dates inclusive.

Subd. 11. "Resident" means a person who has one of the following qualifications:

(a) He was born and lived in the State of Minnesota until entrance into the armed forces; or

(b) He was born in Minnesota and was temporarily living outside of the State of Minnesota without having abandoned residence therein prior to entrance into the armed forces; or

(c) He was born elsewhere, or had abandoned his residence in Minnesota and then returned thereto but had resided within the State of Minnesota for at least six months prior to entrance into the armed forces, and prior to or during such six months period

1. He had registered for voting in the State of Minnesota; or
2. Being an unemancipated minor he had lived with a parent or a person standing in loco parentis, who had acquired a residence as set forth in sub-paragraphs (a), (b), (c), (c) 1, or (c) 3 of subdivision 11, except that the provisions relating to entrance into the armed forces shall relate to the entrance of the minor into the armed forces; or
3. He had not registered for voting in the State of Minnesota and was not registered for voting in any other state.

No person shall be deemed to have ceased to be a resident by reason of his absence from the State of Minnesota while serving in the armed forces, while engaged upon the waters of this state or of the United States, while a student in any seminary of learning, while kept at any state hospital, or, while confined in any public prison, but no person in the armed forces shall be deemed to have become a resident of the State of Minnesota in consequence of being stationed therein.

Subd. 12. "Veteran" means a man or woman who served honorably and faithfully for 30 consecutive days or more in the armed forces of the United States of America between December 7, 1941, and September 2, 1945, both dates inclusive, and who was a resident of the State of Minnesota at the time of entering such service and for at least six months prior thereto, but does not include a person who was on continuous active duty in the armed forces for a period of five years or more, immediately prior to December 7, 1941, which includes any duty for which he received or is entitled to receive credit for any privilege, emolument or other benefit from the United States.

[1949 c 642 s 1]

197.81 ADJUSTED COMPENSATION. Each veteran shall be paid adjusted compensation by the State of Minnesota for domestic duty during his period of service at the rate of \$10 per month for each month thereof or major fraction of a month and for foreign duty during his period of service at the rate of \$15 per month for each month thereof or major fraction of a month. The total adjusted compensation paid to a veteran hereunder shall not exceed \$270 for domestic duty or \$400 for foreign duty or a combination of domestic and foreign duty. If the veteran is deceased, payment shall be made to his beneficiary. No payment shall be made to any veteran or beneficiary who has applied for or received, or is eligible to receive, a similar payment from another state unless his application to another state has been denied.

[1949 c 642 s 2]

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197.82 DECEASED VETERANS. In the event the payments to a beneficiary under section 197.81 are less than \$400, there shall be paid to the beneficiary of each veteran heretofore deceased from service-connected causes arising during his period of service, upon application by the beneficiary, a sum equal to the difference between any payments received by the beneficiary under section 197.81 and the sum of \$400. The foregoing provision of this section shall apply to any veteran who died during his period of service from service-connected causes regardless of the length of his service.

[1949 c 642 s 3]

197.83 APPLICATIONS. Each veteran or his beneficiary entitled to adjusted compensation may make application therefor to the commissioner, which shall be made upon such form as he may prescribe and duly 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 and faithful service during the period of service, and such other information and evidence, all as the commissioner may require.

[1949 c 642 s 4]

197.84 ALLOWANCES. Subdivision 1. Upon submission of proof satisfactory to the commissioner that an applicant is entitled to payment under Laws 1949, Chapter 642, 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 provided by section 197.87, 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 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 as provided by section 197.88, subdivision 3.

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

[1949 c 642 s 5]

197.85 VETERANS COMPENSATION FUND. All payments of adjusted compensation and expenses of administering Laws 1949, Chapter 642, shall be paid from the veterans 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 compensation fund are hereby appropriated for the purposes of Laws 1949, Chapter 642.

[1949 c 642 s 6]

197.86 COMMISSIONER OF VETERANS AFFAIRS; POWERS AND DUTIES. Subdivision 1. The commissioner shall administer the provisions of Laws 1949, Chapter 642.

Subd. 2. The commissioner is empowered to and shall determine, as required by Section 197.80, Subdivision 4, who is the beneficiary of a deceased veteran, and determine, as required by Section 197.80, Subdivision 8, 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 Laws 1949, Chapter 642.

[1949 c 642 s 7]

197.87 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 such determination of the commissioner may demand of the commissioner that the claim be reviewed by a board. Any such 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 such 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.

[1949 c 642 s 8]

197.88 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 \$15 per day and actual and necessary 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.

[1949 c 642 s 9]

197.89 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.

[1949 c 642 s 10]

197.90 BONDS. Subdivision 1. Subject to the limitations herein prescribed, the state auditor, with the approval of the executive council, is authorized and empowered to issue and sell bonds of the State of Minnesota in an amount not exceeding \$84,000,000. Payment of the bonds and the interest thereon shall be made from the veterans compensation fund. The bonds shall be in a form approved by the attorney general and shall pledge the full faith and credit of the State of Minnesota to the payment of the same according to the terms thereof. The bonds shall be in the form of serial bonds numbered consecutively, one-tenth of the total principal amount of which shall be payable each year beginning with the year 1950. The bonds shall be known as the veterans adjusted compensation bonds, shall be signed by the state treasurer, attested by the state auditor and the secretary of state, and sealed with the great seal of the state, but the facsimile signatures of the state treasurer, state auditor and secretary of state shall be sufficient upon interest coupons. Before issuance, the state auditor shall make a record of all bonds showing the number, amount, date of issue, date of maturity and the state auditor or his deputy shall certify thereon that such record has been made. The state auditor, with the approval of the executive council, shall determine the date or dates of issue of the bonds, the denominations thereof, and the place or places at which the principal thereof and semi-annual interest thereon shall be payable. All bonds maturing more than three years after their date must be made redeemable at par at the expiration of such three years and on each interest payment date thereafter upon such notice as the state auditor, with approval of the executive council, shall determine prior to their issuance. The state auditor, with the approval of the executive council, shall fix the rate of interest on the bonds, which shall not exceed an average rate thereon of two per cent per annum.

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All expenses incident to the printing and the sale of the bonds, including actual and necessary traveling expenses of state officers and employees for such purpose, shall be paid from the veterans compensation fund and the amounts therefor are hereby appropriated from said fund.

Subd. 2. Prior to issuance of any bonds, the state auditor, with the approval of the executive council, may offer them at not less than their par value to the state board of investment, without prior advertisement for bids, upon such terms as to interest rates and prices as the state auditor, with the approval of the executive council, may determine, but the rate of interest shall not be more than the prevailing market interest rate upon similar bonds. The state board of investment is authorized to invest in the bonds any funds under its control, notwithstanding any limitation imposed by section 11.10, or any other provision of law, and is requested but not directed to purchase the bonds offered to it to the extent that it has funds available therefor. If the state board of investment does not purchase within ten days from the date of the offer thereof all or part of the bonds offered to it, or if the bonds are not offered to the state board of investment, the bonds or the portion thereof not purchased by the state board of investment shall be sold at not less than par upon competitive sealed bids after at least two weeks' published notice.

The state auditor, with the approval of the executive council, may reject any or all bids at any public sale of the bonds.

The state auditor, with the approval of the executive council, and without complying with sections 15.041 to 15.044, is authorized and empowered to prescribe such rules and regulations in connection with the public sale of the bonds, consistent with Laws 1949, Chapter 642, as he finds necessary or advisable. Notwithstanding that the state board of investment shall have declined to purchase the bonds on the terms offered to it, it may bid for their purchase at the public sale at such prices as it may deem advisable.

For the purpose of supplying deficiencies in the moneys in the veterans compensation fund needed for the payment of the principal of the bonds authorized by Laws 1949, Chapter 642, and the interest thereon, the state auditor, pending the receipt of the proceeds of the taxes levied by Laws 1949, Chapter 642, shall transfer the amount of such deficiencies from the general revenue fund in the state treasury to the veterans compensation fund and the moneys so required are hereby appropriated for the purposes of this provision. The state auditor shall promptly, from time to time as the proceeds of such taxes are received, transfer from the veterans compensation fund to the general revenue fund sufficient moneys to reimburse the general revenue fund for the moneys transferred from it and the moneys so required are appropriated for the purposes of this provision. The state auditor and the state treasurer are authorized and directed to make the appropriate entries in their records.

[1949 c 642 s 11]

197.91 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 Laws 1949, Chapter 642.

[1949 c 642 s 19]

197.92 RULES AND REGULATIONS. The commissioner is authorized to adopt such rules and regulations as he deems necessary to carry out the terms of Laws 1949, Chapter 642.

[1949 c 642 s 20]

197.93 DECLARATION OF POLICY. Subdivision 1. The payments of adjusted compensation provided for by Laws 1949, Chapter 642, are declared by the legislature to be gifts or gratuities given as a token of appreciation for the services of the eligible veterans rendered the people of the State of Minnesota in time of grave national emergency 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 Laws 1949, Chapter 642, and the funds necessary therefor are hereby appropriated to the commissioner from the veterans adjusted compensation fund.

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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 Laws 1949, Chapter 642.

[1949 c 642 s 21]

197.94 NON-ASSIGNABLE; EXCEPTED FROM PROCESS. No claim for payment under Laws 1949, Chapter 642, shall be assignable, or subject to garnishment, attachment or levy of execution.

[1949 c 642 s 22]

197.95 FINAL DATE OF APPLICATION. No payment of adjusted compensation shall be made unless the application therefor is received by the commissioner on or before December 31, 1950.

[1949 c 642 s 23]

197.96 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 Laws 1949, Chapter 642, shall be guilty of a gross misdemeanor.

[1949 c 642 s 24]

197.97 CITATION. Laws 1949, Chapter 642, shall be known and may be cited as the Veterans Adjusted Compensation Act and shall take effect and be in force on and after its final enactment.

[1949 c 642 s 25]