

## Veterans

## CHAPTER 196

## DEPARTMENT OF VETERANS AFFAIRS

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**196.01 CREATED.** There is hereby created and established a Department of Veterans' Affairs, hereinafter referred to as the department.

[1943 c. 420 s. 1]

**196.02 COMMISSIONER OF VETERANS AFFAIRS.** Subdivision 1. **Appointment; qualifications.** The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. The commissioner shall be in unclassified service. No person shall be eligible to receive appointment as commissioner 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) Veteran of the armed forces of the United States as defined in section 197.447. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire.

**Subd. 2. Bond of Commissioner.** The commissioner shall give bond to the state in the sum of \$10,000.

**Subd. 3. Deputy Commissioner.** The commissioner may designate one of his employees as deputy commissioner, who shall have the qualifications prescribed in section 196.02, and may revoke such status at any time, regardless of the civil service status of such employee and without affecting such status. The deputy may exercise all the powers of the commissioner, subject to his direction and control.

[1943 c 420 s 2; 1949 c 739 s 20; 1951 c 713 s 18; 1969 c 275 s 1; 1969 c 1129 art 8 s 4]

**196.03 OFFICERS AND EMPLOYEES.** All officers and employees of the department shall be appointed by the commissioner and they shall perform such duties as may be assigned to them by the commissioner.

[1943 c. 420 s. 3]

**196.04 RULES.** Subdivision 1. **Promulgation.** The commissioner shall adopt reasonable and proper rules to govern the procedure of the divisions of the department and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same, in order to establish the right to benefits provided for by the law. Such rules shall become effective when approved by the attorney general and then be filed in the office of the secretary of state.

**Subd. 2. Existing rules to govern.** Until modified or repealed by the commissioner, all orders, rules and regulations and permits or other privileges issued or

granted with respect to any function consolidated hereunder, and in effect at the time of such consolidation, shall continue in effect to the same extent as if such consolidation had not occurred.

[1943 c. 420 s. 4]

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

- (1) Act as the agent of any resident of the state having a claim against the United States for a pension, bounty, or back pay arising out of or by reason of any war or any federal military or naval service and prosecute such claim without charge;
- (2) Act as custodian of all veterans' bonus records;
- (3) Administer the laws relating to the providing of bronze flag holders at veterans' graves for memorial purposes;
- (4) Administer the laws relating to recreational or rest camps for veterans so far as applicable to state agencies;
- (5) Administer the state soldiers' welfare fund and veterans' relief and all funds hereafter appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation of veterans;
- (6) Cooperate with all national, state, county, municipal, and private social agencies in securing to veterans and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;
- (7) Provide necessary assistance where other adequate aid is not available to the dependent family of a war veteran while such veteran is being hospitalized and afterwards during such period as is necessary;
- (8) Act as the guardian for a minor or an incompetent person receiving moneys from the United States government when requested so to do by an agency of the United States of America provided sufficient personnel is available so to do;
- (9) Cooperate with United States governmental agencies providing compensation, pensions, insurance, or other benefits provided by federal law, by supplementing the benefits prescribed therein, when conditions in an individual case make it necessary;
- (10) Assist in implementing all state laws, rights and privileges relating to the re-employment of veterans upon their return from federal military or naval duty;
- (11) Contact, at such times as he deems proper, all war veterans, as defined in section 197.45, who are confined in any public institution; investigate the treatment accorded these veterans and report quarterly to the governor the results of such investigations; and the heads of such public institutions shall permit the commissioner, or his representative, to visit any such veteran; and, if the commissioner, or his representative requests any information relative to any such veteran and his affairs, the head of such institution shall furnish the same;
- (12) Have such other powers as may be authorized and necessary to carry out the provisions of Laws 1943, Chapter 420.

[1943 c 420 s 5; 1947 c 172 s 1; 1963 c 132 s 1; 1969 c 275 s 2]

**196.06 ANNUAL REPORT.** Subdivision 1. **To governor.** The commissioner shall make an annual written report to the governor giving:

- a. An account of all moneys received and disbursed;
- b. A description of the work done;
- c. Administrative improvements;
- d. Activities of the department;
- e. The number of veterans who have, during the past year, received relief in any form;
- f. The number of veterans on relief rolls;
- g. The number of claims presented on behalf of veterans, and the disposition thereof;
- h. The recommendations he may deem necessary for the active performance of the duties and purposes of the department.

Subd. 2. **Available to legislature.** The report referred to in the preceding subdivision shall be made available to the members of the legislature.

[1943 c 420 s 6; 1969 c 275 s 3]

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**196.07 TECHNICAL STAFF.** The commissioner's technical staff shall have the same qualifications as enumerated for the commissioner in section 196.02.

[1943 c. 420 s. 7]

**196.08 FILES AND RECORDS CONFIDENTIAL.** The contents of, and all files, records, reports, papers and documents pertaining to, any claim for the benefits of Laws 1943, Chapter 420, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made, without the consent in writing of the claimant who has not been adjudicated incompetent, except as follows:

a. To said claimant personally, his duly appointed guardian, his attorney in fact, or his duly authorized representative, and as to matters concerning himself alone, when, in the judgment of the commissioner, such disclosure would not be injurious to the physical or mental health of the claimant.

b. To the representatives of veterans' organizations recognized by the United States Government, not exceeding five from each such veterans' organizations, and when such representatives have been duly certified as such by the state department of any such veterans' organizations in the State of Minnesota.

c. In any court in the State of Minnesota which has jurisdiction of the parties to, and subject matter of, an action or proceeding therein pending, as found by said court, when required to be produced by the process of such court, and then only in open court, as evidence, in such action or proceeding after a judge thereof shall have ruled the same to be relevant and competent evidence in such action or proceeding according to the laws and statutes of said State.

[1943 c. 420 s. 8]

**196.09** [Repealed, 1969 c 275 s 12]

**196.10 POWERS OF COMMISSIONER.** The commissioner shall have the power to order, regulate, consolidate, eliminate, or redistribute the functions of the departments, agencies, divisions, offices or activities in the department of veterans affairs, and fix the functions thereof and the duties and powers of their respective executive aids.

[1943 c. 420 s. 10]

**196.11 CERTAIN POWERS OF ADJUTANT GENERAL TRANSFERRED.** All powers and duties now imposed by law upon the adjutant general with reference to war veterans and the Soldiers' Welfare Director are hereby transferred to the commissioner of veterans affairs and shall hereafter be exercised, performed, and administered by him.

[1943 c. 420 s. 11]

**196.12** [Repealed, 1969 c 275 s 12]

**196.13** [Repealed, 1969 c 275 s 12]

**196.14 EMPLOYMENT OF PERSONS ENTITLED TO VETERANS' PREFERENCE.** The commissioner, whenever he deems it practicable shall employ persons entitled to preference under section 43.30. Upon request by the commissioner, the director of the state civil service shall certify for appointment to positions in the department from the appropriate eligible list only those persons entitled to preference under section 43.30. Otherwise employment in the department shall be governed by the provisions of the state civil service act.

[1943 c. 420 s. 14]

**196.15 OFFICE SPACE TO BE ASSIGNED TO DEPARTMENT.** The commissioner of administration shall assign the office space in the state veterans service building so far as necessary to carry out the purposes of Laws 1943, Chapter 420.

[1943 c 420 s 15; 1969 c 275 s 4]

**196.16** [Repealed, 1969 c 275 s 12]

**196.17 TO ASSIST DISABLED AMERICAN VETERANS OF ALL WARS TO SECURE COMPENSATION AND BENEFITS.** Subdivision 1. **Soldiers of all wars defined.** Soldiers, sailors, and marines, who were disabled in military service during all wars and their dependents, are entitled to the same privileges as are now enjoyed by all other veterans.

Subd. 2. **Appropriation.** There is hereby appropriated from the general fund of the state of Minnesota, the sum of \$7,500 for each of the fiscal years ending June 30, 1942, and June 30, 1943, to be expended by The Disabled American

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Veterans, department of Minnesota for the purpose of assisting war veterans and their dependents in the preparation and presentation of their claims to the United States government for compensation and other benefits to which they are entitled as a result of disabilities incurred in military service.

Subd. 3. **Purpose of section.** This section is hereby declared to be in the interest of the preservation of the public peace, health and safety, the support of the state government and the existing public institutions, and for the purpose of assisting veterans and their dependents who are entitled to compensation and other benefits from the United States government but have been unable to obtain it and in many instances have had to rely upon local assistance and charity.

[1941 c 425 s 1, 2, 3; 1943 c 618 s 1; 1969 c 399 s 49]