

VETERANS

CHAPTER 197. VETERANS; REWARDS, PRIVILEGES

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VETERANS, OTHER PROVISIONS

197.45 Preference in public appointments

Subdivision 1. Veteran defined. 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 any other person who, on or after December 7, 1941, has been honorably discharged or separated from any branch of the armed forces of the United States (1) after having served on active duty for other than training purposes or (2) by reason of disability incurred while serving on active duty, 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, 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 or who enlisted from the state of Minnesota.

[1973 c 494 s 10]

[For text of subds. 2 to 4, see M.S.1971]

197.481 Enforcement

Subdivision 1. Petition. A veteran who has been denied rights by the state or any political subdivision, municipality, or other public agency of the state under sections 43.30, 197.45, 197.46, 197.47, and 197.48 may petition the commissioner of veterans affairs for an order directing the agency to grant the veteran such relief the commissioner finds justified by said statutes.

The petition shall contain:

- (1) The name, address and acknowledged signature of the veteran.
- (2) The names and addresses of all agencies and persons that will be directly affected if the petition is granted.
- (3) A concise statement of the facts giving rise to the veteran's rights and a concise statement showing the manner in which rights were denied.
- (4) A statement of the relief requested.

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Subd. 2. Service. Upon receipt of a petition herein, the commissioner shall serve a copy of same, by registered mail, on all agencies and persons named therein and on such other agencies or persons as in the judgment of the commissioner should in justice be parties to the proceeding. The veteran and all agencies and persons served shall be parties to the proceeding.

Subd. 3. Subpoenas. The commissioner shall have free access to relevant records of all parties and may issue subpoenas for and compel the attendance of witnesses and the giving of testimony and the production of books, records, accounts, documents and papers; and may administer oaths to witnesses. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or produce any books, records, accounts, documents or papers relevant in the matter under consideration, after having been lawfully required by subpoena, any judge of the district court in any county of the state where the subpoena was made returnable, on application of the commissioner, shall compel obedience or punish disobedience as for contempt as in the case of disobedience of a similar subpoena issued by such court.

Subd. 4. Hearing. The commissioner shall hold a hearing on the petition of any party within 20 days of serving, or being served with the petition. The veteran may demand an opportunity to be heard at a time set by the commissioner. A party who fails to demand such hearing within 20 days shall be heard only by permission of the commissioner, except that if any party demands to be heard all parties shall have the right to be heard. A hearing hereunder shall be conducted and orders issued in accord with sections 15.0418, 15.0419 and 15.0422, at the office of the commissioner or at a place he designates. The commissioner shall notify all parties, by mail, of the time and place of the hearing.

Subd. 5. Personnel. The commissioner may appoint a hearing officer to act in his stead and to employ such other personnel as are necessary to investigate facts in cases brought under this section.

Subd. 6. Appeals. Appeals of orders issued under this section shall be to the Ramsey county district court in accord with section 15.0424 and to the supreme court as provided in section 15.0426; the scope of judicial review shall be as prescribed by section 15.0425.

Subd. 7. Representation. If a veteran receives a favorable decision hereunder and (a) a party to the proceeding appeals such decision to the district court or (b) if an action attacking the decision is begun, the commissioner shall become a party in such appeal or action and with the aid of the attorney general represent the veteran therein.

[1973 c 570 s 1 subds 1-7]

197.60 Veterans; service officers; appointment; compensation

Subdivision 1. The county board of any county, or the county boards of any two or more counties acting pursuant to the provisions of section 197.602, may appoint a veterans service officer and may provide necessary clerical help, office space, equipment, and 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 197.606 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.

[1973 c 350 s 1]

Subd. 2. Except as otherwise prescribed in sections 197.60 to 197.606, the term of appointment of a veterans service officer appointed pursuant to this section shall be for four years with the first twelve months being a probationary period, unless removed for cause upon written charges and after a hearing thereon.

[1973 c 350 s 2]

Subd. 3. Except as otherwise prescribed in sections 197.60 to 197.606, 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. The county board may fix the compensation of the veterans service officer at a level commensurate with other county officials with the same level of responsibility.

[1973 c 350 s 3]

[For text of subd. 4, see M.S.1971]

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 armed forces of the United States, from which he has a discharge other than dishonorable. The veterans service officer shall aid all veterans who are residents of the governmental subdivision by which he is employed, regardless of the nature of discharge, in securing counseling or treatment concerning alcohol and drug dependency and abuse.

[1973 c 572 s 9]

197.64 Veterans referral center

[For text of subds. 1 and 2, see M.S.1971]

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 armed forces of the United States from which he has a discharge other than dishonorable or any person associated with the veterans referral center acting to aid veterans regardless of the nature of discharge in securing counseling or treatment concerning alcohol or other drug dependency or abuse shall be subject to the direction and control of the veterans service officer.

[1973 c 572 s 10]

197.78 State educational programs unavailable through federal programs

The state board of education shall foster and support educational programs for the benefit of veterans to assure that no Minnesotan shall be deprived of his earned veterans benefits by virtue of the unavailability of programs for which the veteran is entitled to enroll and receive subsistence, tuition, and other benefits under federal programs. It shall be the responsibility of the state board to measure the demand for veterans service educational programs based on the criteria mandated by federal veterans benefits laws and to authorize, promote, and make grants within appropriated amounts to assure such program availability.

[1973 c 580 s 1]

197.971 Vietnam bonus, definitions

Subdivision 1. For the purposes of sections 197.971 to 197.986, unless the context clearly indicates otherwise, the words, terms and phrases defined in this section shall have the meanings ascribed to them.

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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 United States Army, Navy, Marine Corps, Coast Guard or the Air Force.

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, in the order named.

Subd. 5. "Board" means a veterans affairs review board appointed pursuant to sections 197.971 to 197.986, and authorized to review determinations made by the commissioner.

Subd. 6. "Commissioner" means the commissioner of veterans affairs.

Subd. 7. "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 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. 8. "Honorable service" means such service in the armed forces as is evidenced by

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

Subd. 9. "Resident" means a person who was a resident of the state of Minnesota at the time of induction into the armed forces and had been a resident of this state during the six months immediately preceding his induction. The rules for determining residency with regard to voter eligibility shall govern the determination of residency for purposes of sections 197.971 to 197.986.

Subd. 10. "Veteran" means a resident who served honorably on active duty in the armed forces. The term "veteran" shall not include any member of the national guard or the reserve components of the armed forces ordered to active duty for the sole purpose of training.

[1973 c 204 s 1]

197.972 Adjusted compensation

Each veteran who became eligible for the Vietnam Expeditionary Medal or the Vietnam Service Medal as the result of service between July 1, 1958 and July 27, 1973 shall be paid adjusted compensation by the state of Minnesota. The amount of the compensation paid to a veteran eligible for these medals shall be \$300 plus \$15 for each month or major fraction of a month of active duty served by the veteran between July 1, 1958 and July 27, 1973. The maximum payment of adjusted compensation for these veterans shall be \$600.

All other veterans who served on active duty during the period between August 5, 1964 and January 27, 1973 shall be paid adjusted compensation by the state of Minnesota in an amount equal to \$15 for each month or major fraction of a month service on active duty during this period. The maximum payment to these veterans shall be \$300 and the minimum payment shall be \$100. Any veteran who was a prisoner of war or missing in action shall receive the sum of \$1,000 in lieu of all other payments. If the veteran is deceased, payment shall be made to his beneficiary. The beneficiary of a veteran who died from service connected causes which arose during the period of

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time in which the veteran could become eligible for adjusted compensation, shall receive the sum of \$1,000 in lieu of all other payments. No payment shall be made to any veteran or beneficiary who has an application pending for, or received, or is eligible to receive, a similar payment from another state.

[1973 c 204 s 2]

197.973 Applications

Each veteran or his beneficiary entitled to adjusted compensation may make application therefor to the commissioner, which shall be made upon a form prescribed by the commissioner and 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 service during the period of service, and such other information and evidence, all as the commissioner may require.

[1973 c 204 s 3]

197.974 Allowances

Subdivision 1. Upon submission of proof satisfactory to the commissioner that an applicant is entitled to payment under sections 197.971 to 197.986, 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, 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.

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

[1973 c 204 s 4]

197.975 Veterans adjusted compensation fund

Subdivision 1. All payments of adjusted compensation and expenses of administering, shall be paid from the veterans adjusted 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 adjusted compensation fund are hereby appropriated for the purposes of sections 197.971 to 197.986.

Subd. 2. All payments of adjusted compensation and the administrative expenses incurred in connection therewith shall be paid from the veterans adjusted compensation fund.

Subd. 3. The proceeds of the bonds issued pursuant to sections 197.985 and 197.986 shall be deposited in the veterans adjusted compensation fund and all money in such fund is appropriated to the commissioner of veterans affairs for the purpose of meeting the obligations imposed by sections 197.971 to 197.986. The commissioner is hereby authorized to accept applications for payment of a bonus to those entitled thereto within six months after May 12, 1973, with payments to commence no later than one year after May 12, 1973. There is appropriated from the general fund the sum of \$100,000 to be deposited in the veterans adjusted compensation fund for the commissioner of veterans affairs, to implement the administration of sections 197.971 to 197.986 effective upon passage of sections 197.971 to 197.986. The commissioner of

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administration is hereby authorized to allocate such additional funds as should be necessary for the cost of administration of sections 197.971 to 197.986 as required.

[1973 c 204 s 5]

197.976 Commissioner of veterans affairs; powers and duties

Subdivision 1. The commissioner shall administer the provisions of sections 197.971 to 197.986.

Subd. 2. The commissioner is empowered to and shall determine who is the beneficiary of a deceased veteran, and determine 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 sections 197.971 to 197.986.

[1973 c 204 s 6]

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

[1973 c 204 s 7]

197.978 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 \$35 per day and 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.

[1973 c 204 s 8]

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197.979 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.

[1973 c 204 s 9]

197.98 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 sections 197.971 to 197.986.

[1973 c 204 s 10]

197.981 Rules and regulations

The commissioner is authorized to adopt such rules and regulations as he deems necessary to carry out the terms of sections 197.971 to 197.986.

[1973 c 204 s 11]

197.982 Declaration of policy

Subdivision 1. The payments of adjusted compensation provided for by sections 197.971 to 197.986 are declared by the legislature to be gifts or gratuities given as a token of appreciation for eligible veterans 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 sections 197.971 to 197.986, and the funds necessary therefor are hereby appropriated to the commissioner from the veterans adjusted compensation fund.

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 chapter 43, shall not apply to sections 197.971 to 197.986.

[1973 c 204 s 12]

197.983 Non-assignable; excepted from process

No claim for payment under sections 197.971 to 197.986, shall be assignable, or subject to garnishment, attachment or levy of execution.

[1973 c 204 s 13]

197.984 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 sections 197.971 to 197.986, shall be guilty of a gross misdemeanor.

[1973 c 204 s 14]

197.985 Veterans bonus bond issue

For the purpose of providing the moneys appropriated by sections 197.971 to 197.986 from the veterans adjusted compensation fund to the commissioner of veterans affairs for the payment of the Vietnam veterans bonus and meeting other obligations imposed by sections 197.971 to 197.986, the state auditor is authorized upon request of the governor to sell and issue Minnesota state Vietnam veterans bonus bonds in the amount of \$60,000,000, for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. The proceeds of such bonds are appropriated and shall be credited to the veterans adjusted compensation fund, except that any accrued interest and premium received upon the sale thereof is appropriated and shall be credited to a separate bookkeeping

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account to be maintained in the state bond fund and designated as the Minnesota state Vietnam veterans bonus bond account. The bonds shall be issued, sold, executed, authenticated, and secured in the same manner as provided for Minnesota state building bonds in Minnesota Statutes 1971, Section 6.31, except that the expenses thereof shall be paid and the amounts necessary therefor are appropriated from the veterans adjusted compensation fund, and all money appropriated and taxes levied for the payment of the bonds shall be credited to the Minnesota state Vietnam veterans bonus bond account. The bonds are further secured by the provisions of Article IX, Section 6 and Article XX of the Constitution.

[1973 c 204 s 15]

197.986 Veterans bonus bond account

In order to reduce the amount of taxes otherwise required by the Constitution, Article IX, Section 6, Subdivision 4, to be levied for the payment of interest and principal on the bonds authorized by sections 197.971 to 197.986, there is hereby appropriated annually to the veteran's bonus bond account in the state bond fund from the general fund in the state treasury a sum of money sufficient in amount, when added to the balance on hand on November 1 in each year in the veteran's bonus bond account, to pay all principal and interest due and to become due on said bonds within the then ensuing year and to and including July 1 in the second ensuing year. The moneys received and on hand pursuant to the appropriation annually made by this section are available in the state bond fund prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4, and shall be used to reduce the amount of tax otherwise required to be levied.

[1973 c 204 s 16]

CHAPTER 198. MINNESOTA VETERANS HOME

Sec.

198.01 Veterans homes; eligibility of veterans.

198.01 Veterans homes; eligibility of veterans

The Minnesota veterans home shall be maintained at Minneapolis, and shall provide a home for veterans of all wars, and their wives, widows, mothers and fathers, who meet eligibility and admission requirements, and who comply with the rules and regulations of the home. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released therefrom under conditions other than dishonorable, and who did not receive a bad conduct discharge, shall be eligible for admission to the Minnesota veterans home. Persons who received bad conduct or dishonorable discharges from the armed forces of the United States as a result of drug dependency or abuse shall be eligible for admission to the Minnesota veterans home. "Period of war," as it refers to eligibility, is defined as follows:

(1) Active service in any campaign against the Indians in Minnesota in 1862 whether as soldiers of the United States or not.

(2) Civil War, or war between the states.

(3) Mexican War.

(4) Spanish-American War, April 21, 1898 through July 4, 1902.

(a) Includes Philippine Insurrection and Boxer rebellion.

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

(5) World War I, April 6, 1917 through April 1, 1920.

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

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