

CHAPTER 198

MINNESOTA VETERANS HOME

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NOTE: See sections 137.20 and 137.21.

198.001 DEFINITIONS.

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

Subd. 2. "Resident" means a person admitted to the Minnesota veterans home.

Subd. 3. [Repealed, 1975 c 61 s 26]

Subd. 4. "Administrator" means the administrator of the Minnesota veterans home.

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

History: 1965 c 643 s 1; 1967 c 148 s 2; 1971 c 619 s 1; 1975 c 61 s 14, 15

198.01 VETERANS HOME; ELIGIBILITY OF VETERANS.

The Minnesota veterans home shall provide a home for veterans and their spouses, surviving spouses, and parents, who meet eligibility and admission requirements, and who comply with the rules of the Minnesota veterans home. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released from the armed forces under conditions other than dishonorable, and who did not receive a bad conduct discharge, shall be eligible for admission to the Minnesota veterans home. Persons who received bad conduct or dishonorable discharges from the armed forces of the United States as a result of drug dependency or abuse shall be eligible for admission to the Minnesota veterans home. The word "veteran" as used in this section means any person who is a citizen of the United States or resident alien and has been separated under honorable conditions from any branch of the armed forces of the United States: (a) after service on active duty for 181 consecutive days; or, (b) after service during a period of war; or, (c) by reason of disability incurred while serving on active duty. A "period of war" is:

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

(a) Includes Philippine Insurrection and Boxer Rebellion.

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

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

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

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

(3) World War II, December 7, 1941, through December 31, 1946 and through July 25, 1947, if continuous duty began on or before December 31, 1946.

(4) The Korean Conflict, June 27, 1950, through January 31, 1955.

(5) The Vietnam era, August 5, 1964, through July 27, 1973.

History: (4344) RL s 1835; 1931 c 176 s 1; 1943 c 54 s 1; 1951 c 71 s 1; 1957 c 150

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s 1; 1967 c 52 s 1; 1967 c 148 s 1; 1971 c 619 s 2; 1973 c 572 s 11; 1975 c 61 s 16; 1980 c 414 s 6; 1984 c 609 s 18; 1985 c 248 s 70

198.02 [Repealed, 1953 c 117 s 2]

198.021 [Repealed, 1971 c 619 s 17]

198.022 ELIGIBILITY OF SPOUSES, SURVIVING SPOUSES, PARENTS.

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

(1) All applicants for admission to the Minnesota veterans home must be without adequate means of support and unable by reason of wounds, disease, old age, or infirmity to properly maintain themselves.

(2) Veterans must have served in a Minnesota regiment or have been credited to the state of Minnesota, or have been a resident of the state preceding the date of application for admission.

(3) Spouses, surviving spouses, and parents of eligible veterans must be at least 55 years of age, and have been residents of the state of Minnesota preceding the date of application for admission.

(4) A surviving spouse, eligible for admission except that the veteran did not serve in a Minnesota regiment or was not a resident of Minnesota at the time of death may be eligible for admission provided the surviving spouse has resided in the state not less than 15 years next preceding the date of application for admission.

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

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

History: 1971 c 619 s 3; 1975 c 61 s 17; 1986 c 444

198.03 MAINTENANCE CHARGES.

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

History: (4346) 1923 c 13; 1967 c 148 s 2; 1971 c 619 s 4; 1975 c 61 s 18; 1984 c 505 s 1; 1986 c 444

198.04 [Repealed, 1967 c 52 s 11]

198.05 NEW BUILDINGS.

The department of administration shall have and exercise full authority in the erection and construction of new buildings at the veterans home. When new buildings are to be erected and constructed by authority of the state or old buildings to be remodeled it shall be the duty of the department of administration to cause to be prepared plans and specifications for the same, but in so doing it shall consult with the

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commissioner in respect to these plans and specifications and shall adopt and carry out, so far as it deems practicable, their requests and desires in the matter.

History: (4348) 1913 c 88 s 1; 1967 c 148 s 2; 1975 c 61 s 19

198.055 [Repealed, 1983 c 147 s 5]

198.06 ADMINISTRATOR; APPOINTMENT; DUTIES; TERMINATION.

The Minnesota veterans home shall be governed by the commissioner and is under the management of the administrator. The administrator shall be appointed by the commissioner and shall serve in the unclassified service. The administrator's term of service may be terminated by the commissioner upon service by certified mail of written notice setting forth the grounds for the termination. The termination shall be effective immediately upon receipt of the written notice. The administrator shall have a current Minnesota nursing home administrator's license. The commissioner, on deeming it practicable to do so, shall appoint an administrator who is a veteran as defined under section 197.447. The commissioner shall determine policy and shall adopt and enforce rules for the government of the home and proper bylaws for the conduct of its business. The commissioner shall make rules not inconsistent with this chapter respecting the admission, maintenance, conduct and discharge of residents of the home, and the disbursements of funds under its control.

History: (4349) RL s 1836; 1907 c 326 s 1; 1917 c 188 s 1; 1919 c 131 s 1; 1951 c 265 s 1; 1957 c 150 s 3; 1963 c 495 s 1; 1965 c 643 s 2; 1967 c 52 s 2; 1967 c 148 s 2; 1971 c 619 s 5; 1975 c 61 s 20; 1981 c 186 s 1; 1986 c 444

198.061 [Repealed, 1971 c 619 s 17]

198.065 CHIROPRACTIC CARE AVAILABILITY.

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

History: 1982 c 503 s 1

198.07 [Repealed, 1975 c 61 s 26]

198.071 [Repealed, 1975 c 61 s 26]

198.072 [Repealed, 1975 c 61 s 26]

198.073 [Repealed, 1975 c 61 s 26]

198.075 MINNESOTA VETERANS HOME EMPLOYEES; EXCLUDED FROM COMMISSARY PRIVILEGES.

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

History: 1979 c 333 s 93

198.08 [Repealed, 1975 c 61 s 26]

198.09 [Repealed, 1975 c 61 s 26]

198.10 [Repealed, 1967 c 886 s 15]

198.11 [Repealed, 1967 c 886 s 15]

198.12 [Repealed, 1967 c 886 s 15]

198.13 [Repealed, 1967 c 52 s 11; 1967 c 886 s 15]

198.14 [Repealed, 1971 c 619 s 17]

198.15 [Repealed, 1971 c 619 s 17]

198.16 DONATIONS; GENERAL PURPOSES.

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

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

History: (4359) *RL s 1846; 1913 c 170 s 1; 1945 c 444 s 1; 1967 c 148 s 2; 1969 c 540 s 10; 1971 c 619 s 12; 1973 c 492 s 14; 1975 c 61 s 21*

198.161 DONATIONS; PARTICULAR PURPOSES.

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

History: *1971 c 619 s 13; 1975 c 61 s 22*

- 198.17** [Repealed, 1967 c 52 s 11]
- 198.18** [Repealed, 1971 c 619 s 17]
- 198.19** [Repealed, 1967 c 52 s 11]
- 198.20** [Repealed, 1971 c 619 s 17]
- 198.21** [Repealed, 1967 c 52 s 11]
- 198.22** [Repealed, 1967 c 886 s 15]

198.23 PERSONAL PROPERTY OF RESIDENTS; WILLS.

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

History: (4366) *RL s 1848; 1965 c 643 s 10; 1967 c 148 s 2; 1971 c 619 s 14; 1975 c 61 s 23; 1975 c 225 s 1; 1986 c 444*

198.231 PERSONAL PROPERTY OF DISCHARGED RESIDENTS.

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

History: *1983 c 147 s 3; 1986 c 444*

198.26 [Repealed, 1969 c 1153 s 16]

198.261 CANTEEN AND COFFEE SHOP.

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

History: 1969 c 1153 s 14; 1971 c 619 s 15; 1975 c 61 s 24

198.265 DEPOSITORY ACCOUNTS.

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

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

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

History: 1969 c 1153 s 15; 1971 c 619 s 16; 1973 c 492 s 14; 1975 c 61 s 25; 1980 c 607 art 14 s 46; 1986 c 444

198.266 IMPREST CASH FUNDS.

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

History: 1983 c 147 s 4

198.31 VETERANS HOME, HASTINGS.

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

History: 1978 c 554 s 1; 1979 c 333 s 94

198.32 VETERANS HOME; COMPLAINTS; RESIDENT'S RIGHTS.

Subdivision 1. Resident's rights. A resident of the Minnesota veterans home has the right to complain and otherwise exercise freedom of expression and assembly which is guaranteed by amendment I of the United States Constitution. The administrator of the home shall inform each resident in writing at the time of admission of the right to complain to the administrator about home accommodations and services. A notice of the right to complain shall be posted in the home. The administrator shall also

inform each resident of the right to complain to the commissioner of veterans affairs. Each resident of the home shall be encouraged and assisted, throughout the period of stay in the home, to understand and exercise the rights of freedom of expression and assembly as a resident and as a citizen, and, to this end, the resident may voice grievances and recommend changes in policies and services to home staff, other residents, and outside representatives of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal, including retaliatory eviction. A resident of the home may not be denied any tenant rights available under chapter 566, including the right to recover possession of the premises.

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

History: 1983 c 313 s 1; 1986 c 444

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

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

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

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

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

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

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

Subd. 2. Waiver prohibited. The Minnesota veterans home may not require a resident to waive protection against unreasonable searches and seizures as a condition of eligibility for admission or continuing residence at the home. A search conducted under a waiver obtained in violation of this section is an unlawful search and seizure and the person aggrieved may move the district court for return of the property under section 626.21.

History: 1983 c 174 s 1; 1986 c 444

198.34 DEPOSIT OF RECEIPTS.

Federal money received by the commissioner for the care of veterans in a veterans home, after being credited to a federal receipt account, must be transferred to the special revenue fund in the state treasury. Money paid to the commissioner by a

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veteran or by another person on behalf of a veteran for care in a veterans home must be deposited in the state treasury and credited to the special revenue fund.

History: *1Sp1985 c 13 s 299*