

## CHAPTER 197

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**197.01** [Repealed, 2000 c 390 s 16]

**197.02** [Repealed, 2000 c 390 s 16]

**197.03 STATE SOLDIERS' ASSISTANCE FUND CREATED.**

There is created a state soldiers' assistance fund to aid and assist any citizen of Minnesota or resident alien residing in Minnesota who served in the military or naval forces of the United States, in securing compensation, insurance or other relief or benefits to which the server 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 their dependents as provided by sections 196.05 and 197.04 to 197.07.

**History:** (4601) 1923 c 436 s 3; 1929 c 327; 1984 c 609 s 14; 1986 c 444; 1991 c 123 s 2; 2004 c 256 art 2 s 1

#### **197.04 COMPOSITION OF FUND.**

The state soldiers' assistance fund shall consist of all sums paid to or received by the commissioner of veterans affairs under the provisions of sections 197.03 to 197.07 and of any and all moneys and properties that may be appropriated, donated, given, bequeathed, or devised to the state soldiers' assistance fund or to the commissioner of veterans affairs for the benefit of the fund.

**History:** (4602) 1923 c 436 s 4; 1929 c 327; 1991 c 123 s 5; 2000 c 390 s 12

#### **197.05 FUND, HOW EXPENDED.**

(a) The state soldiers' assistance fund shall be administered by the commissioner of veterans affairs and shall be used to locate and investigate the facts as to any Minnesota resident or resident alien residing in Minnesota who served in the military or naval forces of the United States and who is indigent or suffering from any disability whether acquired in the service or not; to assist the person and the person's dependents as hereinafter provided in establishing and proving any just claim the person may have against the United States government, or any other government or state for compensation, insurance, relief, or other benefits; to provide maintenance and relief for any person suffering from disability who was a bona fide resident of the state at the time the need arose and the person's dependents, as hereinafter provided; and to cooperate with other state, municipal, and county officials and civic or civilian agencies or organizations in carrying out the provisions of sections 197.03 to 197.07. The commissioner shall limit financial assistance to veterans and dependents to six months, unless recipients have been certified as ineligible for other benefit programs.

(b) For purposes of this section, "resident" means a person living in Minnesota for at least 30 days with the intention of residing in the state and not for any temporary purpose. An applicant may verify a residence address by presenting a valid state driver's license, a state identification card, a voter registration card, a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address, or other form of verification approved by the commissioner.

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

**History:** (4603) 1923 c 436 s 5; 1929 c 327; 1984 c 609 s 15; 1986 c 444; 1991 c 123 s 5; 1995 c 254 art 1 s 72; 2000 c 390 s 13; 2003 c 18 s 1; 2004 c 256 art 2 s 2

**197.06 SOLDIERS' ASSISTANCE AGENT.**

The commissioner of veterans affairs shall have charge of activities as provided in this section, and may employ assistants and incur other expenses as may be necessary for the administration of the state soldiers' assistance fund and carrying out the provisions of sections 197.03 to 197.07. No expense shall be incurred under the provisions of sections 197.03 to 197.07 in excess of the moneys available to the state soldiers' assistance fund.

The duties and powers of the commissioner of veterans affairs, in addition to those provided elsewhere by law, shall be to:

- (1) administer the state soldiers' assistance fund;
- (2) cooperate with national, state, county, municipal and private social agencies in securing to former soldiers and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;
- (3) establish and provide assistance to former soldiers and their dependents who are in need of assistance with optical, dental, or other emergency medical needs; and
- (4) cooperate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed by federal law, when exceptional conditions in an individual case make it necessary.

**History:** (4604) 1923 c 436 s 6; 1925 c 88; 1929 c 327; 1980 c 414 s 5; 1986 c 444; 1991 c 123 s 5; 2000 c 390 s 14

**197.065 ACCESS TO DATABASE.**

Notwithstanding section 13.46, subdivision 2, the commissioner of veterans affairs may electronically access the MAXIS database maintained by the Department of Human Services for the purpose of verifying eligibility status of applicants for benefits under the state soldiers assistance program.

**History:** 2003 c 25 s 2

**197.07 SOLDIERS' ASSISTANCE FUND DEPOSITED IN STATE TREASURY.**

The soldiers' assistance 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 the commissioner.

**History:** (4605) 1923 c 436 s 7; 1986 c 444; 1991 c 123 s 5

**197.09** [Repealed, 1983 c 335 s 3]

**197.10** [Repealed, 1983 c 335 s 3]

**197.11** [Repealed, 1983 c 335 s 3]

**197.12** [Obsolete]

**197.13** [Repealed, 1985 c 152 s 5]

**197.131 BOARD OF GOVERNORS OF BIG ISLAND VETERANS CAMP.**

Subdivision 1. **Creation and membership.** The board of governors of the Big Island Veterans Camp - Lake Minnetonka supervises and manages the camp. The board consists of eight members. Two members each are appointed by the state level organization of the American Legion, the Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars provided that at least two appointees are Vietnam veterans. The commissioner of veterans affairs or the commissioner's designee may attend and participate in an advisory capacity at any of the board meetings. The term of each member of the board is two years or until the appointment and qualification of a successor. The board selects a chair and secretary from its membership who serve terms of one year.

Subd. 2. **Vacancies and removal.** A member of the board may be removed at any time by the organization appointing that member. Also, by written notice to the appointing organization, the board may remove the member if the member has been absent for three consecutive meetings of the board. To remove a member, the board must notify in writing the appointing organization and the member after the second consecutive missed meeting that the member may be removed if the next meeting is missed. Any vacancy on the board is filled for the remainder of the unexpired term in the same manner as the original appointment.

**History:** 1985 c 152 s 1; 1Sp1985 c 16 art 2 s 4; 1986 c 444

**197.132 POWERS AND DUTIES.**

The board of governors of the Big Island Veterans Camp - Lake Minnetonka establishes policies for the proper management of the camp. The board may contract for services needed to operate the camp including the services of a manager, may hire employees, and may make other expenditures for the procurement of materials, services, or equipment necessary for the operation of the camp. Expenditures are made upon the approval of the chair. The board must prepare an annual report detailing a complete report of financial transactions, usage levels, and other activities regarding the management and operation of the camp. Copies of the annual reports must be submitted to each appointing organization and to the commissioner of veterans affairs. The board may accept donations, contributions, gifts, and bequests of real or personal property that may be made for the maintenance or operation of the camp.

The board shall make the camp available to veterans using the following priorities:

- (1) qualified disabled veterans and their dependents;

(2) qualified veterans, their dependents, and surviving spouses of qualified veterans who were campers prior to the deed transfer; and

(3) qualified veterans, their dependents, and surviving spouses of qualified veterans.

The camp must be operated as a family camp for the rest and relaxation of veterans and their dependents rather than as a program-oriented camp.

The board must publicize the camp to the greatest extent possible to make the camp's facilities known to Minnesota veterans.

The board is not a state agency. The board shall purchase liability and related insurance sufficient to indemnify the state against all claims arising from the conduct or management of the activities conducted by the board, its agents, or contractors.

**History:** 1985 c 152 s 2; 1986 c 444

### **197.133 DISPOSAL OF PROPERTY AND EXPIRATION OF BOARD OF GOVERNORS.**

If a majority of the board determines that the disposal of the camp or a portion of the camp is in the best interests of Minnesota veterans, or if the camp is not used solely as a camp for and by disabled and other veterans and their families and operated and maintained in compliance with all state, federal, and local laws, the board may dispose of the property at market value as provided in this section. Before disposing of the property, the board shall give notice by certified mail to the commissioner of veterans affairs of its decision to dispose of the property. The commissioner shall publish the notice in the State Register. Interested governmental agencies have until the end of the next legislative session after the notice to appropriate money to purchase the property.

Proceeds realized from the disposal of the property and any assets on hand at the time of the disposal of the property, must be placed in an irrevocable trust to be used for the initiation or maintenance of veterans programs in the state of Minnesota. Trustees must be appointed in the same manner as provided for under section 197.131. The trustees shall consult with the commissioner of veterans affairs to determine the needs of Minnesota veterans and provide the commissioner with an annual written report on the trust. The commissioner must approve all expenditures from the trust. A certified audit of all assets, expenditures, and property must be conducted prior to any disposition of any assets under the control of the board. Any board member who would benefit directly or indirectly financially from the sale of this property must be removed by the board and a successor appointed as provided by section 197.131. Upon final disposition of all assets to the trust, the board must disband. Should the assets of the trust be exhausted, the trust must be terminated.

**History:** 1985 c 152 s 3; 1997 c 7 art 2 s 26

**197.14** [Repealed, 1976 c 149 s 63]

**197.15** [Repealed, 1985 c 152 s 5]

**197.16** [Repealed, 1985 c 152 s 5]

**197.17** [Repealed, 1985 c 152 s 5]

**197.18** [Repealed, 1985 c 152 s 5]

**197.19** [Repealed, 1985 c 152 s 5]

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

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

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

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

**197.225 LIST OF DECEASED MILITARY PERSONNEL.**

(a) The commissioner of veterans affairs shall collect and maintain data about Minnesota residents who have died of service-connected causes while serving in the United States armed forces. The data may include deceased service members who are the immediate family members of Minnesota residents, but who themselves were not Minnesota residents at the time of death. The commissioner shall collect the following data: the individual's full name, military rank, branch of service, age at the time of death, and Minnesota hometown or if not a Minnesota resident at the time of death, the service member's home state.

(b) Data collected pursuant to this section are nonpublic data, but may be disseminated to the individual's next of kin, and for ceremonial or honorary purposes to veterans' organizations, civic organizations, the news media, and researchers. No other use or dissemination of the data is permitted.

(c) The next of kin of a veteran whose data is collected may request that the data not be disseminated for any purpose. Upon receiving such a request, the Department of Veterans Affairs must exclude the deceased veteran's data from any data disseminated for ceremonial or honorary purposes as permitted by paragraph (b).

(d) Data collected pursuant to this section shall not be indicative of any person's status with regard to qualification for veterans benefits or other benefits.

**History:** 2008 c 297 art 2 s 12

**197.23 PURCHASE OF GRAVE MARKERS.**

Subdivision 1. **Authorization.** The commissioner of veterans affairs may provide, within available funds and upon request of a county veterans service officer or any congressionally

chartered veterans organization, an appropriate marker for the grave of any veteran as defined under section 197.447. Any marker provided must be used for memorial purposes to permanently mark the grave of a veteran buried within the limits of the state.

Subd. 2. [Repealed, 2004 c 256 art 2 s 5]

**History:** (4373) 1909 c 299 s 1; 1931 c 363 s 4; 1969 c 275 s 6; 3Sp1981 c 2 art 1 s 28; 1983 c 147 s 2

### **197.231 HONOR GUARDS.**

The commissioner of veterans affairs shall pay, within available funds and upon request by a local unit of a congressionally chartered veterans organization or its auxiliary, up to \$50 to the local unit for each time that local unit provides an honor guard detail at the funeral of a deceased veteran. The commissioner may give priority to local units that do not have charitable gambling operations. If the local unit provides a student to play "Taps," the local unit may pay some or all of the \$50 to the student.

**History:** 2007 c 45 art 2 s 2

**197.235** [Repealed, 1994 c 632 art 3 s 65]

### **197.236 STATE VETERANS CEMETERIES.**

Subdivision 1. [Repealed, 1999 c 86 art 2 s 6]

Subd. 2. [Repealed, 1999 c 86 art 2 s 6]

Subd. 3. **Operation and maintenance.** The commissioner of veterans affairs shall supervise and control the veterans cemeteries established under this section. The cemeteries are to be maintained and operated in accordance with the operational standards and measures of the National Cemetery Administration. The commissioner may contract for the maintenance of the cemeteries. All personnel, equipment, and support necessary for maintenance and operation of the cemeteries must be included in the department's budget.

Subd. 4. [Repealed, 2004 c 256 art 2 s 5]

Subd. 5. **Rules.** The commissioner of veterans affairs may adopt rules regarding the operation of the cemeteries. The commissioner shall require that upright granite markers supplied by the United States Department of Veterans Affairs be used to mark all gravesites.

Subd. 6. **Permanent development and maintenance account.** A veterans cemetery development and maintenance account is established in the special revenue fund of the state treasury. Receipts for burial fees, plot or interment allowance claims, designated appropriations, and any other cemetery receipts must be deposited into this account. The money in the account, including interest earned, is appropriated to the commissioner to be used for the development,



operation, maintenance, and improvement of the cemeteries. To the extent practicable, the commissioner of veterans affairs must apply for available federal grants to establish, expand, or improve the cemeteries.

Subd. 7. [Repealed, 2008 c 297 art 2 s 13,30]

Subd. 8. **Eligibility.** Cemeteries must be operated solely for the burial of service members who die on active duty, eligible veterans, and their spouses and dependent children, as defined in United States Code, title 38, section 101, paragraph (2).

Subd. 9. **Burial fees.** The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible spouses and dependent children. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. The commissioner may waive the fee in the case of an indigent eligible person.

No plot or interment fees may be charged for the burial of service members who die on active duty or eligible veterans, as defined in United States Code, title 38, section 101, paragraph (2).

Subd. 10. [Repealed, 2008 c 297 art 2 s 13,30]

Subd. 11. **Plot allowance claims.** The commissioner of veterans affairs must apply to the Veterans Benefits Administration for a plot or interment allowance payable to the state for expenses incurred by the state in the burial of eligible veterans in cemeteries owned and operated by the state if the burial is performed at no cost to the veteran's next of kin.

Subd. 12. **No staff.** No staff may be hired for any new veterans cemetery without explicit legislative approval.

**History:** 1994 c 632 art 3 s 53; 2008 c 297 art 2 s 13

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

**197.25-197.30** [Obsolete]

**197.31** [Repealed, 1965 c 47 s 1]

**197.32** [Repealed, 1965 c 47 s 1]

**197.33** [Repealed, 1965 c 47 s 1]

**197.34** [Repealed, 1965 c 47 s 1]

**197.35** [Repealed, 1965 c 47 s 1]

**197.36** [Repealed, 1965 c 47 s 1]

**197.37** [Repealed, 1965 c 47 s 1]

**197.38** [Repealed, 1965 c 47 s 1]

**197.39** [Repealed, 1965 c 45 s 73]

**197.40** [Repealed, 1965 c 45 s 73]

**197.41** [Repealed, 1965 c 45 s 73]

**197.42** [Repealed, 1961 c 561 s 17]

**197.43** [Repealed, 1961 c 561 s 17]

**197.44** [Repealed, 1961 c 561 s 17]

**197.447 VETERAN, DEFINED.**

The word "veteran" as used in Minnesota Statutes, except in sections 136F.28, 196.21, and 243.251, means a citizen of the United States or a resident alien who has been separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, or who has met the minimum active duty requirement as defined by Code of Federal Regulations, title 38, section 3.12a, or who has active military service certified under section 401, Public Law 95-202. The active military service must be certified by the United States secretary of defense as active military service and a discharge under honorable conditions must be issued by the secretary.

**History:** 1955 c 4 s 1; 1967 c 222 s 1; 1969 c 275 s 7; 1971 c 24 s 15; 1977 c 40 s 2; 1982 c 511 s 33; 1984 c 468 s 2; 1984 c 609 s 16; 1990 c 444 s 1; 1992 c 410 s 1; 1996 c 305 art 1 s 53; 1997 c 7 art 1 s 89

**197.45** [Repealed, 1975 c 45 s 7]

**197.455 VETERAN'S PREFERENCE APPLIED.**

Subdivision 1. **Application.** (a) This section shall govern preference of a veteran under the civil service laws, charter provisions, ordinances, rules or regulations of a county, city, town, school district, or other municipality or political subdivision of this state. Any provision in a law, charter, ordinance, rule or regulation contrary to the applicable provisions of this section is void to the extent of such inconsistency.

(b) Sections 197.46 to 197.481 also apply to a veteran who is an incumbent in a classified appointment in the state civil service and has completed the probationary period for that position, as defined under section 43A.16. In matters of dismissal from such a position, a qualified veteran has the irrevocable option of using the procedures described in sections 197.46 to 197.481, or the procedures provided in the collective bargaining agreement applicable to the person, but

not both. For a qualified veteran electing to use the procedures of sections 197.46 to 197.481, the matters governed by those sections must not be considered grievances under a collective bargaining agreement, and if a veteran elects to appeal the dispute through those sections, the veteran is precluded from making an appeal under the grievance procedure of the collective bargaining agreement.

Subd. 2. **Creation.** Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available to a veteran as defined in section 197.447.

Subd. 3. [Repealed, 2005 c 95 s 1; 2005 c 156 art 4 s 12]

Subd. 4. **Nondisabled veteran's credit.** There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of five points provided that the veteran obtained a passing rating on the examination without the addition of the credit points.

Subd. 5. **Disabled veteran's credit.** There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of ten points provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that (1) the veteran obtained a passing rating on the examination without the addition of the credit points; and (2) the veteran is applying for a first promotion after securing public employment.

Subd. 6. **Disabled veteran; definitions.** For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person who has a compensable service-connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces, which disability is existing at the time preference is claimed. For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Subd. 7. **Preference for spouses.** A preference available pursuant to this section may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who because of the disability is unable to qualify.

Subd. 8. **Ranking of veterans.** An eligible with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a nonveteran with the same rating.

Subd. 9. **Notification.** A governmental agency, when notifying eligibles that they have

passed examinations, shall show the final examination ratings and preference credits and shall notify eligibles that they may elect to use veteran's preference to augment passing ratings.

Subd. 10. **Rejection; explanation.** If the appointing authority rejects a certified eligible who has received veteran's preference, the appointing authority shall notify the eligible in writing of the reasons for the rejection and file the notice with the appropriate local personnel officer.

**History:** 1975 c 45 s 4; 1981 c 210 s 54; 2004 c 207 s 29; 2009 c 94 art 3 s 14

#### **197.46 VETERANS PREFERENCE ACT; REMOVAL FORBIDDEN; RIGHT OF MANDAMUS.**

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 several counties, cities, towns, school districts and all other political subdivisions in the state, who is a veteran separated from the military service under honorable conditions, 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.

Any veteran who has been notified of the intent to discharge the veteran from an appointed position or employment pursuant to this section shall be notified in writing of such intent to discharge and of the veteran's right to request a hearing within 60 days of receipt of the notice of intent to discharge. The failure of a veteran to request a hearing within the provided 60-day period shall constitute a waiver of the right to a hearing. Such failure shall also waive all other available legal remedies for reinstatement.

Request for a hearing concerning such a discharge shall be made in writing and submitted by mail or personal service to the employment office of the concerned employer or other appropriate office or person.

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 appointed 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 court administrator of the district court within ten days after service thereof. Nothing in section 197.455 or this section shall be construed to apply to the position of private secretary, 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 section 197.455 and this section notwithstanding any laws, charter provisions, ordinances or rules to the contrary. Any willful violation of such sections by officers, officials, or employees is a misdemeanor.

**History:** (4369) 1907 c 263 s 2; 1917 c 499 s 1; 1919 c 14 s 1; 1919 c 192 s 2; 1937 c 121; Ex1937 c 6 s 2; 1943 c 230 s 2; 1945 c 502 s 2; 1961 c 566 s 1; 1974 c 549 s 1; 1975 c 45 s 5; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2009 c 94 art 3 s 15

**197.47** [Repealed, 1975 c 45 s 7]

#### **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 197.455 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.

**History:** (4369-2) 1931 c 347 s 2; 1Sp1981 c 4 art 1 s 19

#### **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 section 43A.11, 197.46, 197.48, or 197.455 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.

Subd. 2. **Service.** Upon receipt of a petition herein, the commissioner shall serve a copy of same, by certified 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 the person 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 14.57 to 14.60 and 14.62, at the office of the commissioner or at a place the commissioner 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 the commissioner's place and to employ such other personnel as are necessary to investigate facts in cases brought under this section. The affected political subdivision must bear all costs incurred by the commissioner under this section.

Subd. 6. **Appeals.** Appeals of orders issued under this section shall be in accordance with chapter 14.

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.

Subd. 8. **Enforcement.** When a party fails or refuses to comply with a final decision of the commissioner, the commissioner may commence an action in Ramsey County District Court requesting the court to order the party to comply with the order of the commissioner. If the commissioner has ordered an award of damages and if the court sustains or modifies the award, it shall enter judgment on the order or modified order in the same manner as in the case of an order of the district court, as provided in section 546.27.

**History:** *1973 c 570 s 1 subds 1-7; 1975 c 45 s 6; 1978 c 674 s 60; 1978 c 682 s 1,2; 1981 c 210 s 54; 1982 c 424 s 130; 1983 c 247 s 82; 1986 c 444; 1987 c 404 s 154*

**197.49** [Repealed, 2000 c 390 s 16]

**197.50** [Repealed, 1965 c 45 s 73]

**197.51** [Repealed, 1965 c 45 s 73]

**197.52** [Repealed, 1965 c 45 s 73]

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

**197.54** [Repealed, 1961 c 561 s 17]

#### **197.55 QUARTERS FOR MEETINGS OF VETERANS 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, 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 any 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.

**History:** *(4382) 1905 c 37 s 1; 1911 c 107 s 1; 1990 c 426 art 1 s 24*

#### **197.56 USE OF QUARTERS.**

Such organization shall have the equal and free use of all such quarters, under such rules 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.

**History:** *(4383) 1905 c 37 s 2; 1985 c 248 s 70*

**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.

**History:** (4384) 1905 c 37 s 3

**197.58 STATE TO PROVIDE SPACE FOR VETERAN ORGANIZATIONS.**

The commissioner of administration shall set apart space in the state Veterans Service Building, for the use of congressionally chartered veterans organizations and their auxiliaries, incorporated, or when incorporated, under the laws of the state. The commissioner shall honor requests for space from the veterans organizations on a first-come, first-served basis until all available space is occupied. The commissioner of administration shall give priority to utilizing space in the Veterans Service Building for the Department of Veterans Affairs and veterans organizations and their auxiliaries. Such space 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 the commander 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.

**History:** (4384-2) 1929 c 434; 1969 c 275 s 8; 1985 c 78 s 1; 1986 c 444

**197.585 HIGHER EDUCATION VETERANS ASSISTANCE PROGRAM.**

Subdivision 1. **Assistance provided.** The commissioner of veterans affairs shall provide central liaison staff and campus veterans assistance officers to serve the needs of students who are veterans at higher education institutions in Minnesota. Methods of assistance may include, but are not limited to, work-study positions for veterans, and providing information and assistance regarding the availability of state, federal, local, and private resources.

Subd. 2. **Steering committee.** The commissioner of veterans affairs shall chair a higher education veterans assistance program steering committee composed of:

- (1) the adjutant general or the adjutant general's designee;
- (2) a representative of Minnesota State Colleges and Universities, designated by the chancellor;
- (3) a representative of the University of Minnesota, appointed by the president of the university;
- (4) a representative of private colleges and universities in Minnesota, appointed by the governor;



(5) a representative of the Office of Higher Education, appointed by the executive director;

(6) a representative of county veterans service offices, appointed by the commissioner of veterans affairs; and

(7) a representative of the Department of Employment and Economic Development, appointed by the commissioner of that department.

The steering committee shall advise the commissioner of veterans affairs regarding the allocation of appropriations for the purposes of this section and shall develop a long-range plan to serve the needs of students at higher education institutions in Minnesota who are veterans.

Subd. 3. **Office space provided.** Each campus of the University of Minnesota and each institution within the Minnesota State Colleges and Universities system shall provide adequate space for a veterans assistance office to be administered by the commissioner of veterans affairs, and each private college and university in Minnesota is encouraged to provide adequate space for a veterans assistance office to be administered by the commissioner of veterans affairs. The veterans assistance office must provide information and assistance to veterans who are students or family members of students at the school regarding the availability of state, federal, local, and private resources.

Subd. 4. **Report.** Beginning January 15, 2007, and each year thereafter, the steering committee established in subdivision 2 shall report to the chairs of the legislative committees with jurisdiction over veterans affairs policy and finance and higher education policy and finance regarding the implementation and effectiveness of the program established in this section.

Subd. 5. **Expiration.** This section expires at the end of the first fiscal year in which the number of veterans enrolled in Minnesota public institutions of higher education is fewer than 4,000, but no later than June 30, 2011.

**History:** 2006 c 282 art 15 s 3

**197.59** [Repealed, 2004 c 256 art 2 s 5]

### **197.60 VETERANS SERVICE OFFICERS; APPOINTMENT; COMPENSATION.**

Subdivision 1. **Appointment; administrative support.** The county board of any county except Clay County, or the county boards of any two or more counties acting pursuant to the provisions of section 197.602, shall appoint a veterans service officer and shall provide necessary clerical help, office space, equipment, and supplies for the officer, together with reimbursement for mileage and other traveling expenses necessarily incurred in the performance of duties; and may appoint one or more assistant veterans service officers who shall have the qualifications prescribed in section 197.601. The county board of Clay County may appoint a veterans service officer and assistant veterans service officers as provided in this subdivision. Subject to the

direction and control of the veterans service officer, the assistant veterans service officer may exercise all the powers, and shall perform the duties, of the veterans service officer, 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 the officer with information necessary in connection with the performance of duties.

Subd. 2. **Term.** 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 12 months of the initial appointment being a probationary period, unless removed for cause upon written charges and after a hearing thereon. If the board of county commissioners does not intend to reappoint a county veterans service officer who has been certified by the Department of Veteran Affairs, the board shall present written notice to the county veterans service officer, not later than 90 days before the termination of the county veterans service officer's term, that it does not intend to reappoint the county veterans service officer. If written notice is not timely made, the county veterans service officer must automatically be reappointed by the board of county commissioners.

Subd. 3. **Compensation.** 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.

Subd. 4. **Tax levy.** 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 duties during the succeeding year, and to make up any deficiency in the fund raised for that purpose during the preceding year. 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 local tax rates.

Subd. 5. **Oath.** Every county veterans service officer, before entering upon duties, shall take and subscribe the oath required of public officials.

**History:** 1945 c 96 s 1; 1947 c 408 s 1; 1949 c 583 s 1; 1973 c 350 s 1-3; 1978 c 625 s 1; 1986 c 444; 1988 c 699 s 4; 1988 c 719 art 5 s 84; 1Sp1989 c 1 art 2 s 11; 1991 c 123 s 3,4

### **197.601 QUALIFICATIONS OF VETERANS SERVICE OFFICERS.**

No person shall be appointed a veterans service officer under sections 197.60 to 197.606 without the following qualifications:

- (1) residence in the state of Minnesota;
- (2) citizenship in the United States;

(3) veteran as defined in section 197.447;

(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.

**History:** 1945 c 96 s 2; 1953 c 699 s 8; 1955 c 4 s 4; 1977 c 29 s 2; 1986 c 444

#### **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 chairs 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 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.

**History:** 1945 c 96 s 3; 1986 c 444

#### **197.603 DUTIES.**

Subdivision 1. **Veterans benefits and assistance.** It shall be the duty of the veterans service officer to aid all residents of the governmental subdivision by which the officer 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 the person has a discharge other than dishonorable. The veterans service officer shall aid all veterans who are residents of the governmental subdivision by which the officer is employed, regardless of the nature of discharge, in securing counseling or treatment concerning alcohol and drug dependency and abuse.

Subd. 2. **Records; data privacy.** Pursuant to chapter 13 the veterans service officer is the responsible authority with respect to all records in the officer's custody. The data on clients' applications for assistance is private data on individuals, as defined in section 13.02, subdivision 12.

**History:** 1945 c 96 s 4; 1973 c 572 s 9; 1978 c 635 s 1; 1981 c 311 s 39; 1Sp1981 c 4 art 1 s 13; 1982 c 545 s 24; 1986 c 444

#### **197.604 UNLAWFUL TO PAY FEE.**

Subdivision 1. **Payment of fee.** It shall be unlawful for any person to pay any veterans service officer or any employee under the officer or for any veterans service officer or employee under the officer to receive any fee directly or indirectly for any service rendered in securing any benefit referred to in section 197.603.

Subd. 2. **Gross misdemeanor.** Any person who shall commit an act unlawful under subdivision 1 shall be guilty of a gross misdemeanor.

**History:** 1945 c 96 s 5; 1986 c 444

### **197.605 SUPERVISION.**

Subdivision 1. **Methods of operation.** Every veterans service officer appointed under sections 197.60 to 197.606 shall be under the general supervision of the commissioner of veterans affairs as to methods of operation.

Subd. 2. **Use of agencies to present claims.** Every veterans service officer appointed under sections 197.60 to 197.606 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. **Rules.** The commissioner of veterans affairs shall have authority to prescribe such rules as are necessary for compliance with this section and the efficient uniform administration of sections 197.60 to 197.606. Such rules shall not apply to the appointment, tenure, compensation, or working conditions of a veterans service officer appointed under sections 197.60 to 197.606.

Subd. 4. **Certification.** The commissioner of veterans affairs shall establish a certification process for veterans service officers. In doing so, the commissioner shall consult with the Minnesota Association of County Veterans Service Officers.

**History:** 1945 c 96 s 6; 1985 c 248 s 70; 1987 c 61 s 1

### **197.606 CLASSED AS COUNTY EMPLOYEES.**

Veterans service officers and assistant veterans service officers appointed under sections 197.60 to 197.606 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.

**History:** 1945 c 96 s 7

### **197.607 [Expired]**

### **197.608 VETERANS SERVICE OFFICE GRANT PROGRAM.**

Subdivision 1. **Grant program.** A veterans service office grant program is established to be administered by the commissioner of veterans affairs consisting of grants to counties to enable them to enhance the effectiveness of their veterans service offices.

Subd. 2. **Rule development.** The commissioner shall consult with the Minnesota

Association of County Veterans Service Officers in formulating rules to implement the grant program.

Subd. 2a. **Grant cycle.** Counties may become eligible to receive grants on a three-year rotating basis according to a schedule to be developed and announced in advance by the commissioner. The schedule must list no more than one-third of the counties in each year of the three-year cycle. A county may be considered for a grant only in the year of its listing in the schedule.

Subd. 3. **Eligibility.** (a) To be eligible for a grant under this program, a county must employ a county veterans service officer as authorized by sections 197.60 and 197.606, who is certified to serve in this position by the commissioner.

(b) A county that employs a newly hired county veterans service officer who is serving an initial probationary period and who has not been certified by the commissioner is eligible to receive a grant under subdivision 2a.

(c) Except for the situation described in paragraph (b), a county whose veterans service officer does not receive certification during any year of the three-year cycle is not eligible to receive a grant during the remainder of that cycle or the next three-year cycle.

Subd. 4. **Grant process.** (a) The commissioner shall determine the process for awarding grants. A grant may be used only for the purpose of enhancing the operations of the County Veterans Service Office.

(b) The commissioner shall provide a list of qualifying uses for grant expenditures as developed in subdivision 5 and shall approve a grant only for a qualifying use and if there are sufficient funds remaining in the grant program to cover the full amount of the grant.

Subd. 5. **Qualifying uses.** The commissioner shall consult with the Minnesota Association of County Veterans Service Officers in developing a list of qualifying uses for grants awarded under this program. The commissioner is authorized to use any unexpended funding for this program to provide training and education for county veterans service officers.

Subd. 6. **Grant amount.** The amount of each grant must be determined by the commissioner and may not exceed:

- (1) \$1,400, if the county's veteran population is less than 1,000;
- (2) \$2,800, if the county's veteran population is 1,000 or more but less than 3,000;
- (3) \$4,200, if the county's veteran population is 3,000 or more but less than 10,000; or
- (4) \$5,600, if the county's veteran population is 10,000 or more.

The veteran population of each county shall be determined by the figure supplied by the United States Department of Veterans Affairs, as adopted by the commissioner.

Subd. 7. **Recapture.** If a county fails to use the grant for the qualified use approved by the commissioner, the commissioner shall seek recovery of the grant from the county and the county must repay the grant amount.

**History:** 1993 c 192 s 79; 1993 c 366 s 5; 1Sp2003 c 1 art 2 s 65; 2005 c 156 art 4 s 8

### **197.609 EDUCATION PROGRAM.**

Subdivision 1. **Establishment and administration.** An education program for county veterans service officers is established to be administered by the commissioner of veterans affairs.

Subd. 2. **Eligibility.** To be eligible for the program in this section, a person must currently be employed as a county veterans service officer as authorized by sections 197.60 to 197.606, and be certified to serve in that position by the commissioner of veterans affairs or be serving a probationary period as authorized by section 197.60, subdivision 2.

Subd. 3. **Program content.** The program in this section must include but is not limited to informing county veteran service officers of the federal, state, and private benefits and services available to veterans, training them in procedures for applying for these benefits, updating them on the changes in these benefits and the eligibility criteria and application procedures, informing them of judicial and regulatory decisions involving veterans programs, training them in the legal procedures for appealing decisions disallowing benefits to veterans, and providing education, information, and training for any other aspects of the veteran service officer position.

**History:** 1993 c 192 s 80

### **197.63 VITAL STATISTICS RECORDS, CERTIFIED COPIES.**

Subdivision 1. **Issuance without charge.** A certified copy of a birth, death, marriage, divorce, dissolution of marriage record, or certified copy of veteran's discharge recorded pursuant to section 386.20, shall be issued promptly by the officer charged with the keeping of the records upon the request of, and without any charge to, any veteran, the surviving spouse or next of kin of the veteran, 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 veterans organization or the Department of Veterans Affairs. The word "veteran" as used in this section means any man or woman who is a veteran as defined in section 197.447, and who is a citizen of the United States or resident alien.

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, the officer's governmental subdivision shall pay the officer the legal fee therefor, and the governing body thereof is

authorized and directed to order such payment made from the general revenue funds thereof.

**History:** *1945 c 19 s 1,2; 1947 c 169 s 1; 1953 c 699 s 9; 1976 c 2 s 73; 1984 c 609 s 17; 1986 c 444*

**197.64** [Repealed, 1976 c 44 s 70]

**197.65 RENEWAL OF PROFESSIONAL LICENSE, MOTOR VEHICLE REGISTRATION AND DRIVER'S LICENSE.**

(a) The renewal of a license or certificate of registration for a person who is serving in or has recently been separated or discharged from active military service and who is required by law to be licensed or registered in order to carry on or practice a trade, employment, occupation, or profession in the state is governed under sections 326.55 and 326.56.

(b) The renewal of a driver's license for a person who is serving in or has recently been separated or discharged from active military service is governed under section 171.27.

(c) The renewal and payment of the motor vehicle registration tax for a vehicle of a person who is serving in or has recently been separated or discharged from active military service is governed under section 168.031.

**History:** *2004 c 279 art 1 s 26; 1Sp2005 c 6 art 3 s 84*

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

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

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

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

**197.75 EDUCATIONAL ASSISTANCE, WAR ORPHANS AND SURVIVING SPOUSES AND VETERANS.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of veterans affairs.

(c) "Deceased veteran" means a veteran who was a Minnesota resident within six months of the time of the person's entry into the United States armed forces and who has died as a result of that service, as determined by the United States Veterans Administration.

(d) "Eligible child" means a person who:

(1) is the natural or adopted son or daughter of a deceased veteran; and

(2) is a student making satisfactory academic progress at an eligible institution of higher education.

(e) "Eligible institution" means a postsecondary educational institution located in this state that either (1) is operated by this state, or (2) is operated publicly or privately and, as determined by the office, maintains academic standards substantially equivalent to those of comparable institutions operated in this state.

(f) "Eligible spouse" means the surviving spouse of a deceased veteran.

(g) "Eligible veteran" means a veteran who:

(1) is a student making satisfactory academic progress at an eligible institution of higher education;

(2) had Minnesota as the person's state of residence at the time of the person's enlistment or any reenlistment into the United States armed forces, as shown by the person's federal form DD-214 or other official documentation to the satisfaction of the commissioner;

(3) except for benefits under this section, has no remaining military or veteran-related educational assistance benefits for which the person may have been entitled; and

(4) while using the educational assistance authorized in this section, remains a resident student as defined in section 136A.101, subdivision 8.

(h) "Satisfactory academic progress" has the meaning given in section 136A.101, subdivision 10.

(i) "Student" has the meaning given in section 136A.101, subdivision 7.

(j) "Veteran" has the meaning given in section 197.447.

Subd. 2. **Benefits; eligibility.** (a) The commissioner of veterans affairs shall spend a biennial appropriation to provide an educational assistance stipend of \$750 each year for each eligible child and each eligible spouse, and a single payment of \$750 for each eligible veteran. This stipend is not available for any person who has attained a bachelor's or equivalent degree.

(b) Each eligible child and each eligible spouse shall be admitted to any Minnesota public eligible institution free of tuition until the person has attained a bachelor's or equivalent degree.

(c) Payments of benefits authorized under this section shall be made directly to the participating eligible institutions or to eligible individuals, as determined by the commissioner.

Subd. 3. **Proof of eligibility.** Approval for benefits under this section shall require submission of the following evidence: application, proof of military service, and, where applicable, proof of residency and a statement from the United States Veterans Administration that the veteran has exhausted entitlement to federal educational benefits through use thereof or that the veteran died of service connected disabilities. Upon submission of satisfactory proof of eligibility, benefits shall be provided from the date of application and notification of approval shall be sent to the educational institution and applicant.



Subd. 4. **Reimbursement form.** The commissioner shall establish policies and procedures for determining eligibility and payment under this section.

Subd. 5. **Participation by eligible institutions.** (a) Each Minnesota public postsecondary institution must continue to participate in the educational assistance program authorized in this section during both peacetime and times of war.

(b) Any participating eligible institution not described in paragraph (a) may suspend or terminate its participation in the program at the end of any academic semester or other academic term.

Subd. 6. [Repealed by amendment, 2007 c 45 art 2 s 3]

**History:** 1943 c 663 s 5; 1945 c 235 s 2; 1947 c 176 s 2,3; 1953 c 108 s 1; 1955 c 45 s 1; 1957 c 258 s 2; 1957 c 576 s 1,2; 1969 c 275 s 9,10; 1971 c 24 s 16; 1971 c 97 s 1-3; 1973 c 349 s 2; 1975 c 321 s 2; 1980 c 614 s 99; 1983 c 335 s 1; 1987 c 258 s 12; 1989 c 246 s 2; 1990 c 444 s 2; 1Sp1995 c 3 art 16 s 13; 1Sp2001 c 10 art 2 s 68,69; 2003 c 130 s 12; 2004 c 256 art 2 s 3,4; 2007 c 45 art 2 s 3

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

#### **197.752 EDUCATIONAL ASSISTANCE TO POW/MIA DEPENDENTS.**

Any dependent of a prisoner of war or a person missing in action, upon being duly accepted for enrollment in any Minnesota public postsecondary institution, shall be allowed to attend the institution to obtain a bachelor's degree or certificate of completion, while eligible, free of tuition or charge. A dependent who enrolls as an undergraduate in any private Minnesota postsecondary institution shall be entitled to payment by the state of tuition and fees at a rate not to exceed \$250 per year for so long as the dependent is eligible to attend the institution and is working toward a bachelor's degree or certificate of completion.

"Prisoner of war" and "persons missing in action" for purposes of this section mean any person who was a resident of the state at the time the person entered service of the United States armed forces, or whose official residence is within the state, and who, while serving in the United States armed forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after August 1, 1958.

"Dependent" for purposes of this section means the spouse of a prisoner of war or person missing in action, or any child born before or during the period of time the child's parent served as a prisoner of war or was declared a person missing in action, or any child legally adopted or in the legal custody of the parent prior to and during the time the parent served as a prisoner of war or was declared to be a person missing in action. Once a person qualifies as a dependent under the terms and provisions of this section there shall be no situation such as the return of the spouse

or parent or the reported death of the spouse or parent that will remove the dependent from provisions or benefits of this section.

**History:** 1983 c 335 s 2; 1986 c 444

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

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

**197.775 HIGHER EDUCATION FAIRNESS.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of veterans affairs.

(c) "State college or university" means a unit of the University of Minnesota or Minnesota State Colleges and Universities.

Subd. 2. **Recognition of courses.** (a) Minnesota State Colleges and Universities must recognize courses and award educational credits for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credits.

(b) The University of Minnesota and private colleges and universities in Minnesota are encouraged to recognize courses and award educational credits for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credits.

Subd. 3. **Tuition status.** A state college or university must treat a veteran as a Minnesota resident for purposes of determining the veteran's undergraduate tuition rate. A state college or university must treat a veteran as a Minnesota resident for purposes of determining the veteran's graduate school tuition rate if the veteran was a Minnesota resident on entering military service and starts attending the state college or university graduate program within two years of completing military service.

Subd. 4. **Delayed payment of tuition.** A state college or university may not assess late fees or other late charges for veterans who are eligible to receive federal or state educational assistance and who have applied for that assistance but not yet received it, nor may they prevent these students from registering for a subsequent term because of outstanding tuition charges that arise from delayed federal or state payments. The state college or university may request without delay the amount of tuition above expected federal and state educational assistance and may require payment of the full amount of tuition owed by the veteran within 30 days of receipt of the expected federal or state educational assistance.

**History:** 2006 c 273 s 9; 2007 c 144 art 2 s 48

**197.78 STATE EDUCATIONAL PROGRAMS UNAVAILABLE THROUGH FEDERAL PROGRAMS.**

Subdivision 1. **Commissioner's duties.** The commissioner of veterans affairs shall foster and support educational programs for the benefit of veterans to assure that no Minnesotan shall be deprived of 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 commissioner 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.

Subd. 2. [Repealed, 1979 c 335 s 18]

**History:** 1973 c 580 s 1; 1977 c 449 s 19; 1986 c 444; 1998 c 398 art 5 s 55; 2003 c 130 s 12; 2004 c 256 art 1 s 4

**197.781 VETERANS TRAINING PROGRAM.**

The commissioner of veterans affairs shall administer the veterans training program. Money in the veterans training revolving fund for the veterans training program is appropriated to the commissioner to pay the necessary expenses of operating the program. The department must act as the state agency for approving educational institutions for purposes of United States Code, title 38, chapter 36, relating to educational benefits for veterans and other persons and it may adopt rules to fulfill its obligations as the state approving agency. All federal money received for purposes of the veterans training program must be deposited in the veterans training revolving fund.

**History:** 2004 c 256 art 1 s 5

**197.79 VETERANS BONUS PROGRAM.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Applicant" means a veteran or a veteran's guardian, conservator, or personal representative or a beneficiary or a beneficiary's guardian, conservator, or personal representative who has filed an application with the commissioner for a bonus under this section.

(b) "Application" means a request for a bonus payment by a veteran, a veteran's beneficiary, or a veteran's guardian, conservator, or personal representative through submission of written information on a form designed by the commissioner for this purpose.

(c) "Beneficiary" means in relation to a deceased veteran and in the order named:

(1) the surviving spouse, if not remarried;

(2) the children of the veteran, if there is no surviving spouse or the surviving spouse has remarried;

(3) the veteran's surviving parent or parents;

(4) the veteran's surviving sibling or siblings; or

(5) the veteran's estate.

(d) "Commissioner" means the commissioner of the Department of Veterans Affairs.

(e) "Department" means the Department of Veterans Affairs.

(f) "Eligibility period for the bonus" means the period from August 2, 1990, to July 31, 1991.

(g) "Guardian" or "conservator" means the legally appointed representative of a minor beneficiary or incompetent veteran, the chief officer of a hospital or institution in which the incompetent veteran is placed if the officer is authorized to accept money for the benefit of the minor or incompetent, the person determined by the commissioner to be the person who is legally charged with the responsibility for the care of the minor beneficiary or incompetent veteran, or the person determined by the commissioner to be the person who has assumed the responsibility for the care of the minor beneficiary or incompetent veteran.

(h) "Honorable service" means honorable service in the United States armed forces, as evidenced by:

(1) an honorable discharge;

(2) a general discharge under honorable conditions;

(3) in the case of an officer, a certificate of honorable service; or

(4) in the case of an applicant who is currently serving in active duty in the United States armed forces, a certificate from an appropriate service authority that the applicant's service to date has been honorable.

(i) "Resident veteran" means a veteran who served in active duty in the United States armed forces at any time during the eligibility period for the bonus, and who also:

(1) has been separated or discharged from the United States armed forces, and whose home of record at the time of entry into active duty in the United States armed forces, as indicated on the person's form DD-214 or other documents the commissioner may authorize, is the state of Minnesota; or

(2) is currently serving in the United States armed forces, and has a certificate from an appropriate service authority stating that the person: (i) served in active duty in the United States armed forces at any time during the eligibility period for the bonus; and (ii) had Minnesota as the home of record at the time of entry into active duty in the United States armed forces.

(j) "Service connected" means caused by an injury or disease incurred or aggravated while on active duty, as determined by the United States Department of Veterans Affairs.

(k) "Veteran" has the meaning given in section 197.447, and also includes:

(1) a person who is providing honorable service on active duty in the United States armed forces and has not been separated or discharged; or

(2) a member of a reserve component of the armed forces of the United States, including the National Guard, who was ordered to active duty under United States Code, title 10, section 673b, during the eligibility period for the bonus and who was deployed to a duty station outside the state of Minnesota, as verified by the appropriate service authority. An applicant's DD-214 form showing eligibility for or award of the Southwest Asia service medal during the eligibility period for the bonus will suffice as verification.

"Veteran" does not include a member of the National Guard or the reserve components of the United States armed forces ordered to active duty for the sole purpose of training.

Subd. 2. **Bonus amount.** (a) For a resident veteran who provided honorable service in the United States armed forces at any time during the eligibility period for the bonus, the bonus amount is:

(1) \$300, if the veteran did not receive the Southwest Asia service medal during the eligibility period for the bonus;

(2) \$600, if the veteran received the Southwest Asia service medal during the eligibility period for the bonus; or

(3) \$2,000, if the veteran was eligible for the Southwest Asia service medal during the eligibility period for the bonus, and died during that time period as a direct result of a service connected injury, disease, or condition.

(b) In the case of a deceased veteran, the commissioner shall pay the bonus to the veteran's beneficiary.

(c) No payment may be made to a veteran or beneficiary who has received a similar bonus payment from another state.

Subd. 3. **Application process.** A veteran, or the beneficiary of a veteran, entitled to a bonus may make application for a bonus to the department on a form prescribed by the commissioner and verified by the applicant. If the veteran is incompetent or the veteran's beneficiary is a minor or incompetent, the application must be made by the person's guardian or conservator. An application must be accompanied by evidence of residency, honorable service, active duty service during the eligibility period for the bonus, and any other information the commissioner requires. The applicant must indicate on the application form the bonus amount for which the applicant expects to be eligible.

If the information provided in the application is incomplete, the department must notify the applicant in writing of that fact and must identify the items of information needed to make a determination. After notifying an applicant that the person's application is incomplete, the department shall hold the application open while awaiting further information from the applicant, and the applicant may submit that information without filing an appeal and request for review.

Subd. 4. **Bonus determination, appeal process, and payment.** (a) Except as provided in paragraphs (b) to (d), the commissioner may not make a bonus payment to any applicant.

(b) Upon submission of proof to the department that an applicant is entitled to payment under this section, the department shall determine the amount of the bonus for which the applicant is eligible. If the department's determination of the bonus amount is in agreement with, or is greater than, the amount requested by the applicant in the application, the commissioner shall pay to the applicant the bonus amount, as determined by the department.

(c) If the department determines that the bonus amount for an applicant is less than the amount requested in the application, the department shall notify the applicant in writing of its determination, and include with that notification a form that the applicant may use to accept the department's determination and thereby waive the right to review of that determination. A filing by the applicant of the acceptance and waiver form with the department constitutes a waiver by the applicant of the right to review. Upon receipt of such acceptance and waiver from the applicant, the department shall pay to the applicant the bonus amount, as determined by the department. Unless an appeal is filed with the commissioner by an applicant in accordance with paragraph (d), all orders, decisions, and acts of the department with reference to the claim of the applicant are final and conclusive upon the applicant.

(d) Upon notification that the department's determination of the bonus amount is less than the bonus amount requested by the applicant in the application, the applicant may appeal the department's determination and request a review by the commissioner. The appeal and request for review must be made in writing within 60 days of the department's mailing of its determination. Following receipt by the department of an applicant's appeal and request for review by the commissioner, no payment shall be made by the department to the applicant until the review has been completed. For such review, the applicant may submit additional information to supplement the information provided in the application, and may request that the review be conducted either: (1) through written correspondence; or (2) in person with the commissioner. The commissioner shall act upon an appeal and request for review within seven working days of its receipt by the department. Following review by the commissioner of the application and any additional information submitted or presented by the applicant, the commissioner's determination is final. Any expenses incurred by the applicant as the result of the applicant's appeal and request for review are the obligation of the applicant.

Subd. 5. **Notices.** Notices and correspondence to an applicant must be directed to the applicant by mail at the address listed in the application. Notices and correspondence to the commissioner must be addressed to the commissioner's office in St. Paul.

Subd. 6. **Powers and duties of commissioner.** (a) The commissioner 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 any minor or incompetent.

(b) The commissioner may employ persons and may incur other expenses necessary to administer this section.

Subd. 7. **Tax exempt gifts.** The bonus payments provided for by this section are gifts or gratuities given as a token of appreciation to eligible veterans and are not compensation for services rendered. The payments are exempt from state taxation.

Subd. 8. **Nonassignable; excepted from process.** A claim for payment under this section is not assignable or subject to garnishment, attachment, or levy of execution.

Subd. 9. **Penalties.** A person who knowingly makes a false statement relating to a material fact in support of a claim for a bonus under this section is guilty of a misdemeanor.

Subd. 10. **Deadline for applications.** The application period for the bonus program established in this section shall be November 1, 1997, to June 30, 2001. The department may not receive or accept new applications after June 30, 2001.

**History:** 1997 c 202 art 2 s 42; 1998 c 258 s 1; 1999 c 250 art 1 s 83

#### **197.791 MINNESOTA GI BILL PROGRAM.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of veterans affairs, unless otherwise specified.

(c) "Cost of attendance" for undergraduate students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor of 1.2. Cost of attendance for graduate students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor of 1.2, using the tuition and fee maximum established by law for four-year programs. For purposes of calculating the cost of attendance for graduate students, full time is eight credits or more per term or the equivalent.

(d) "Child" means a natural or adopted child of a person described in subdivision 4, paragraph (a), clause (1), item (i) or (ii).

(e) "Eligible institution" means a postsecondary institution under section 136A.101, subdivision 4, or a graduate school licensed or registered with the state of Minnesota serving only graduate students.

(f) "Program" means the Minnesota GI Bill program established in this section, unless otherwise specified.

(g) "Time of hostilities" means any action by the armed forces of the United States that is recognized by the issuance of a presidential proclamation or a presidential executive order in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order, and any additional period or place that the commissioner determines and designates, after consultation with the United States Department of Defense, to be a period or place where the United States is in a conflict that places persons at such a risk that service in a foreign country during that period or in that place should be considered to be included.

(h) "Veteran" has the meaning given in section 197.447. Veteran also includes a service member who has received an honorable discharge after leaving each period of federal active duty service and has:

(1) served 90 days or more of federal active duty in a foreign country during a time of hostilities in that country; or

(2) been awarded any of the following medals:

(i) Armed Forces Expeditionary Medal;

(ii) Kosovo Campaign Medal;

(iii) Afghanistan Campaign Medal;

(iv) Iraq Campaign Medal;

(v) Global War on Terrorism Expeditionary Medal; or

(vi) any other campaign medal authorized for service after September 11, 2001; or

(3) received a service-related medical discharge from any period of service in a foreign country during a time of hostilities in that country.

A service member who has fulfilled the requirements for being a veteran under this paragraph but is still serving actively in the United States armed forces is also a veteran for the purposes of this section.

Subd. 2. **Program established.** The Minnesota GI Bill program is established to provide postsecondary educational assistance to eligible Minnesota veterans and to the children and spouses of deceased and severely disabled Minnesota veterans.

The commissioner, in cooperation with eligible postsecondary educational institutions, shall administer the program for the purpose of providing postsecondary educational assistance to eligible persons in accordance with this section. Each public postsecondary educational institution in the state must participate in the program and each private postsecondary educational institution in the state is encouraged to participate in the program. Any participating private



institution may suspend or terminate its participation in the program at the end of any semester or other academic term.

Subd. 3. **Duties; responsibilities.** (a) The commissioner shall establish policies and procedures including, but not limited to, procedures for student application record keeping, information sharing, payment of educational assistance benefits, and other procedures the commissioner considers appropriate and necessary for effective and efficient administration of the program established in this section.

(b) The commissioner may delegate part or all of the administrative procedures for the program to responsible representatives of participating eligible institutions. The commissioner may execute an interagency agreement with the Minnesota Office of Higher Education for services the commissioner determines necessary to administer the program.

Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under this section if:

(1) the person is:

(i) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time on or after September 11, 2001;

(ii) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(iii) the surviving spouse or child of a person who has served in the military at any time on or after September 11, 2001, and who has died as a direct result of that military service; or

(iv) the spouse or child of a person who has served in the military at any time on or after September 11, 2001, and who has a total and permanent service-connected disability as rated by the United States Veterans Administration;

(2) the person receiving the educational assistance is a Minnesota resident, as defined in section 136A.101, subdivision 8; and

(3) the person receiving the educational assistance:

(i) is an undergraduate or graduate student at an eligible institution;

(ii) is maintaining satisfactory academic progress as defined by the institution for students participating in federal Title IV programs;

(iii) is enrolled in an education program leading to a certificate, diploma, or degree at an eligible institution;

(iv) has applied for educational assistance under this section prior to the end of the academic term for which the assistance is being requested;

(v) is in compliance with child support payment requirements under section 136A.121, subdivision 2, clause (5); and

(vi) has completed the Free Application for Federal Student Aid (FAFSA).

(b) A person's eligibility terminates when the person becomes eligible for benefits under section 135A.52.

(c) To determine eligibility, the commissioner may require official documentation, including the person's federal form DD-214 or other official military discharge papers; correspondence from the United States Veterans Administration; birth certificate; marriage certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency; proof of identity; or any other official documentation the commissioner considers necessary to determine eligibility.

(d) The commissioner may deny eligibility or terminate benefits under this section to any person who has not provided sufficient documentation to determine eligibility for the program. An applicant may appeal the commissioner's eligibility determination or termination of benefits in writing to the commissioner at any time. The commissioner must rule on any application or appeal within 30 days of receipt of all documentation that the commissioner requires. The decision of the commissioner regarding an appeal is final. However, an applicant whose appeal of an eligibility determination has been rejected by the commissioner may submit an additional appeal of that determination in writing to the commissioner at any time that the applicant is able to provide substantively significant additional information regarding the applicant's eligibility for the program. An approval of an applicant's eligibility by the commissioner following an appeal by the applicant is not retroactively effective for more than one year or the semester of the person's original application, whichever is later.

(e) Upon receiving an application with insufficient documentation to determine eligibility, the commissioner must notify the applicant within 30 days of receipt of the application that the application is being suspended pending receipt by the commissioner of sufficient documentation from the applicant to determine eligibility.

Subd. 5. **Benefit amount.** (a) On approval by the commissioner of eligibility for the program, the applicant shall be awarded, on a funds-available basis, the educational assistance under the program for use at any time according to program rules at any eligible institution.

(b) The amount of educational assistance in any semester or term for an eligible person must be determined by subtracting from the eligible person's cost of attendance the amount the person received or was eligible to receive in that semester or term from:

(1) the federal Pell Grant;

(2) the state grant program under section 136A.121; and

(3) any federal military or veterans educational benefits including but not limited to the Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational rehabilitation benefits, and any other federal benefits associated with the person's status as a veteran, except veterans disability payments from the United States Veterans Administration.

(c) The amount of educational assistance for any eligible person who is a full-time student must not exceed the following:

- (1) \$1,000 per semester or term of enrollment;
- (2) \$3,000 per state fiscal year; and
- (3) \$10,000 in a lifetime.

For a part-time student, the amount of educational assistance must not exceed \$500 per semester or term of enrollment. For the purpose of this paragraph, a part-time undergraduate student is a student taking fewer than 12 credits or the equivalent for a semester or term of enrollment and a part-time graduate student is a student considered part time by the eligible institution the graduate student is attending. The minimum award for undergraduate and graduate students is \$50 per term.

Subd. 6. **Appropriation.** The amount necessary to pay the benefit amounts in subdivision 5 is appropriated from the general fund to the commissioner. During any fiscal year beginning on or after July 1, 2013, the amount paid under this subdivision must not exceed \$6,000,000.

**History:** 2007 c 144 art 2 s 49; 2008 c 297 art 2 s 14-16; 2009 c 94 art 3 s 16

**197.80** [Repealed, 1965 c 45 s 73]

**197.81** [Repealed, 1965 c 45 s 73]

**197.82** [Repealed, 1965 c 45 s 73]

**197.83** [Repealed, 1965 c 45 s 73]

**197.84** [Repealed, 1965 c 45 s 73]

**197.85** [Repealed, 1965 c 45 s 73]

**197.851** [Repealed, 1965 c 45 s 73]

**197.852** [Repealed, 1965 c 45 s 73]

**197.86** [Repealed, 1965 c 45 s 73]

**197.87** [Repealed, 1965 c 45 s 73]

**197.88** [Repealed, 1965 c 45 s 73]

**197.89** [Repealed, 1965 c 45 s 73]

- 197.90** [Repealed, 1965 c 45 s 73]  
**197.91** [Repealed, 1965 c 45 s 73]  
**197.92** [Repealed, 1965 c 45 s 73]  
**197.93** [Repealed, 1965 c 45 s 73]  
**197.94** [Repealed, 1965 c 45 s 73]  
**197.95** [Repealed, 1965 c 45 s 73]  
**197.96** [Repealed, 1965 c 45 s 73]  
**197.97** [Repealed, 1965 c 45 s 73]  
**197.971** [Repealed, 1996 c 310 s 1]  
**197.972** [Repealed, 1996 c 310 s 1]  
**197.973** [Repealed, 1996 c 310 s 1]  
**197.974** [Repealed, 1996 c 310 s 1]  
**197.975** [Repealed, 1996 c 310 s 1]  
**197.976** [Repealed, 1996 c 310 s 1]  
**197.977** [Repealed, 1996 c 310 s 1]  
**197.978** [Repealed, 1996 c 310 s 1]  
**197.979** [Repealed, 1996 c 310 s 1]  
**197.98** [Repealed, 1996 c 310 s 1]  
**197.981** [Repealed, 1996 c 310 s 1]  
**197.982** [Repealed, 1996 c 310 s 1]  
**197.983** [Repealed, 1996 c 310 s 1]  
**197.984** [Repealed, 1996 c 310 s 1]  
**197.985** [Repealed, 1996 c 310 s 1]  
**197.986** [Repealed, 1996 c 310 s 1]

**197.991 KOREAN WAR ARMISTICE DAY.**

Subdivision 1. **Purpose.** When communist North Korean troops invaded South Korea on

June 25, 1950, the United States took immediate action to defend the freedom of a people unjustly attacked. Leading a coalition of 20 other nations, American and South Korean troops fought to advance liberty and opportunity, and to overcome cruelty and repression. More than 1.7 million members of the United States armed forces faced forbidding terrain, harsh weather, and brutal combat while demonstrating extraordinary honor, skill, and courage to beat back the invading enemy forces. More than 34,000 American men and women, including over 700 Minnesotans, sacrificed their lives in battle during that war. Another 92,000 American troops were wounded, and more than 8,000 have been listed as missing in action or taken prisoner.

The Military Armistice Agreement of July 27, 1953, ended the three years of bitter warfare stopping the spread of communism on the Korean Peninsula and signaling to the world America's resolve to stand against tyrannical and totalitarian regimes. Today, South Korea stands as a shining example of the economic and social benefits of democracy.

The purpose of this section is to perpetually honor the brave men and women, living and dead, who comprise America's Korean War veterans.

Subd. 2. **Designation.** July 27 of each year is designated as Korean War Armistice Day in Minnesota.

**History:** 2008 c 265 s 1

#### **197.995 VIETNAM VETERANS DAY.**

Subdivision 1. **Purpose.** 1,072 of the people whose names are listed on the Vietnam Memorial Wall in Washington, D.C., were from the state of Minnesota. Many other Minnesotans are surviving Vietnam veterans. This section is enacted as a way for Minnesotans to show their pride and gratitude, recall the veterans' accomplishments, and thank Minnesota's Vietnam veterans for their unselfish devotion to duty.

Subd. 2. **Designation.** March 29 is Vietnam Veterans Day in Minnesota.

**History:** 2008 c 164 s 1