

## Veterans

### CHAPTER 196

#### DEPARTMENT OF VETERANS AFFAIRS

|         |  |        |   |
|---------|--|--------|---|
| 196.01  | CREATED.   | 196.15 | INACTIVE.   |
| 196.02  | COMMISSIONER OF VETERANS AFFAIRS.                  | 196.16 | INACTIVE.   |
| 196.021 | DEPUTY COMMISSIONERS; DUTIES.                      | 196.17 | INACTIVE.   |
| 196.03  | OFFICERS AND EMPLOYEES.                            | 196.18 | UNCOMPENSATED AND VOLUNTARY SERVICES; EXPENSES.                 |
| 196.04  | RULES.   | 196.19 | ENVIRONMENTAL HAZARDS INFORMATION AND ASSISTANCE ACT; CITATION. |
| 196.05  | DUTIES OF COMMISSIONER.                            | 196.20 | INACTIVE.   |
| 196.051 | GUARDIANSHIP.                                      | 196.21 | DEFINITIONS.  |
| 196.052 | GIFT ACCEPTANCE AND INVESTMENT.                    | 196.22 | POWERS AND DUTIES OF COMMISSIONER.                              |
| 196.054 | USE OF FACILITIES OR SERVICES BY OUTSIDE AGENCIES. | 196.23 | ENVIRONMENTAL HAZARDS INFORMATION AND ASSISTANCE SECTION.       |
| 196.06  | ANNUAL REPORT.                                     | 196.24 | DUTIES OF COMMISSIONER OF HEALTH.                               |
| 196.07  | TECHNICAL STAFF.                                   | 196.25 | CONFIDENTIALITY.  |
| 196.08  | FILES AND RECORDS CONFIDENTIAL.                    | 196.26 | CLASS ACTION REPRESENTATION BY ATTORNEY GENERAL.                |
| 196.09  | INACTIVE.  | 196.27 | INACTIVE.   |
| 196.10  | INACTIVE.  | 196.30 | VETERANS HEALTH CARE ADVISORY COUNCIL.                          |
| 196.11  | INACTIVE.  |        |   |
| 196.12  | INACTIVE.  |        |   |
| 196.13  | INACTIVE.  |        |   |
| 196.14  | INACTIVE.  |        |   |

#### 196.01 CREATED.

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

**History:** 1943 c 420 s 1

#### 196.02 COMMISSIONER OF VETERANS AFFAIRS.

Subdivision 1. **Appointment; qualifications.** The department shall be under the supervision and control of a commissioner of veterans affairs who shall be appointed by the governor under the provisions of section 15.06. No person shall be eligible to receive appointment as commissioner unless that person has the following qualifications:

- (1) residence in the state of Minnesota;
- (2) citizenship in the United States;
- (3) veteran of the armed forces of the United States as defined in section 197.447.

Subd. 2. [Repealed, 1991 c 326 s 27]

Subd. 3. [Repealed, 1988 c 699 s 33]

**History:** 1943 c 420 s 2; 1949 c 739 s 20; 1951 c 713 s 18; 1969 c 275 s 1; 1969 c 1129 art 8 s 4; 1977 c 29 s 1; 1977 c 305 s 26; 1986 c 444

**196.021 DEPUTY COMMISSIONERS; DUTIES.**

Subdivision 1. **Appointment.** The commissioner shall appoint a deputy commissioner for veteran services and a deputy commissioner for veteran health care. Both deputy commissioners serve in the unclassified service at the pleasure of the commissioner. Both deputies must be residents of Minnesota, citizens of the United States, and veterans as defined in section 197.447.

Subd. 2. **Powers and duties.** The deputy commissioner for veteran services and the deputy commissioner for veteran health care have those powers delegated by the commissioner. A delegation must be in writing, signed by the commissioner, and filed with the secretary of state.

**History:** 1988 c 699 s 1; 2008 c 297 art 2 s 9

**196.03 OFFICERS AND EMPLOYEES.**

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

**History:** 1943 c 420 s 3; 1988 c 699 s 2; 2008 c 297 art 2 s 10

**196.04 RULES.**

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

Subd. 2. **Existing rules to govern.** Until modified or repealed by the commissioner, all orders, rules and permits or other privileges issued or granted with respect to any function consolidated hereunder, and in effect at the time of such consolidation, shall continue in effect to the same extent as if such consolidation had not occurred.

**History:** 1943 c 420 s 4; 1985 c 248 s 70

**196.05 DUTIES OF COMMISSIONER.**

Subdivision 1. **General duties.** The commissioner shall:

(1) act as the agent of a resident of the state having a claim against the United States for benefits arising out of or by reason of service in the armed forces and prosecute the claim without charge;

(2) act as custodian of veterans' bonus records;

(3) administer the laws relating to the providing of bronze flag holders at veterans' graves for memorial purposes;

(4) administer the laws relating to recreational or rest camps for veterans so far as applicable to state agencies;

(5) administer the state soldiers' assistance fund and veterans' relief fund and other funds appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation of veterans;

(6) cooperate with national, state, county, municipal, and private social agencies in securing to veterans and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;

(7) provide necessary assistance where other adequate aid is not available to the dependent family of a veteran while the veteran is hospitalized and after the veteran is released for as long a period as is necessary as determined by the commissioner;

(8) act as the guardian, conservator, or representative payee of the estate for a minor or an incompetent person receiving money from the United States government when requested to do so by an agency of the United States of America provided sufficient personnel are available;

(9) cooperate with United States governmental agencies providing compensation, pensions, insurance, or other benefits provided by federal law, by supplementing the benefits prescribed therein, when conditions in an individual case make it necessary;

(10) assist dependent family members of military personnel who are called from reserve status to extended federal active duty during a time of war or national emergency through the state soldiers' assistance fund provided by section 197.03;

(11) exercise other powers as may be authorized and necessary to carry out the provisions of this chapter and chapter 197, consistent with that chapter; and

(12) provide information, referral, and counseling services to those veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents.

Subd. 2. **Mission; efficiency.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

Subd. 3. **Consumer satisfaction.** (a) The commissioner shall submit a memorandum each year to the governor and the chairs and ranking minority members of the house of representatives and senate standing committees with jurisdiction over the department's programs that provides the following information:

(1) the number of calls made to each of the department's help lines by consumers and citizens regarding services provided or regulated by the department;

(2) the subject matter of the call;

(3) the number of service-related calls that were resolved;

(4) the number that remain open; and

(5) the number that were without merit.

(b) The commissioner shall publish the annual memorandum on the department's Web site each year no later than March 1.

**History:** 1943 c 420 s 5; 1947 c 172 s 1; 1963 c 132 s 1; 1969 c 275 s 2; 1980 c 414 s 3; 1986 c 444; 1988 c 699 s 3; 1991 c 123 s 1,5; 1995 c 248 art 11 s 15; 1998 c 366 s 61; 2000 c 390 s 1; 2010 c 333 art 2 s 8

#### **196.051 GUARDIANSHIP.**

Subdivision 1. **Appointment of commissioner.** The district court may appoint the commissioner of veterans affairs guardian of the estate of a veteran or dependent for whom the appointment of a guardian is found by the court to be necessary. When appointed and qualified, the commissioner may act as guardian of the estate. The district court is not authorized to appoint the commissioner guardian of the person of a veteran. The word "veteran" as used in this section shall have the same meaning as it is defined in section 197.447.

Subd. 2. **Bonding.** Notwithstanding any other law, the commissioner is not required to file a bond when acting as guardian pursuant to authority granted by this section.

Subd. 3. **Funds.** The commissioner may commingle the funds of persons who are under the commissioner's guardianship pursuant to authority granted by section 196.051. The commissioner shall keep complete and accurate accounts showing each transaction that occurs with respect to the funds of each person under the commissioner's guardianship. Money in a guardianship fund is appropriated to the commissioner to carry out the guardianship.

Subd. 4. **Fees.** When permitted by the court, the commissioner may charge a fee of up to five percent of the income of the estate of the person under guardianship to cover the expenses of providing the guardianship service.

**History:** 1977 c 241 s 1; 1980 c 414 s 4; 1Sp1985 c 13 s 298; 1986 c 444; 1993 c 192 s 77; 1995 c 189 s 8; 1996 c 277 s 1; 2004 c 146 art 3 s 13

#### **196.052 GIFT ACCEPTANCE AND INVESTMENT.**

On the behalf of the state, the commissioner may accept any gift, grant, bequest, or devise made for the purposes of this chapter and chapter 197. The commissioner must administer the funds as directed by the donor. All funds must be deposited in the state treasury and credited to the veterans affairs endowment, bequest, and devises fund. The balance of the fund is annually appropriated to the commissioner of veterans affairs to accomplish the purposes of this chapter and chapter 197. Funds received by the commissioner under this section in excess of current needs must be invested by the State Board of Investment in accordance with section 11A.24. Disbursements from this fund must be in the manner provided for the issuance of other state warrants. The commissioner may refuse to accept any gift, grant, bequest, or devise if acceptance would not be in the best interest of the state or Minnesota's veterans.

**History:** 1983 c 147 s 1; 2000 c 390 s 2

#### **196.054 USE OF FACILITIES OR SERVICES BY OUTSIDE AGENCIES.**

Subdivision 1. **Commissioner's authority.** The commissioner of veterans affairs may allow public or private social service, educational, or rehabilitation agencies or organizations and their clients to use the facilities, staff, and other resources of the department and may require the participating agencies or organizations to pay for that use.

Subd. 2. **Appropriation.** There is a veterans affairs resources fund in the state treasury. All money received by the department pursuant to subdivision 1 must be deposited in the state treasury and credited to the veterans affairs resources fund. Money from the veterans affairs resources fund is appropriated to the commissioner for operation, maintenance, repair of facilities, associated legal fees, and other related expenses under subdivision 1.

**History:** 1986 c 393 s 2; 1993 c 192 s 78

#### **196.06 ANNUAL REPORT.**

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

- (a) an account of all money received and disbursed;
- (b) a description of the work done;
- (c) administrative improvements;
- (d) activities of the department;
- (e) the number of veterans who have, during the past year, received relief in any form;
- (f) the number of veterans on relief rolls;
- (g) the number of claims presented on behalf of veterans, and the disposition thereof;
- (h) the recommendations the commissioner may deem necessary for the active performance of the duties and purposes of the department.

Subd. 2. [Repealed, 1996 c 310 s 1]

**History:** 1943 c 420 s 6; 1969 c 275 s 3; 1986 c 444

#### **196.07 TECHNICAL STAFF.**

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

**History:** 1943 c 420 s 7

#### **196.08 FILES AND RECORDS CONFIDENTIAL.**

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

(1) To said claimant personally, a duly appointed guardian, an attorney in fact, or a duly authorized representative, and as to personal matters, when, in the judgment of the commissioner, such disclosure would not be injurious to the physical or mental health of the claimant.

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

(3) In any court in the state of Minnesota which has jurisdiction of the parties to, and subject matter of, an action or proceeding therein pending, as found by said court, when required to be produced by the process of such court, and then only in open court, as evidence, in such action or

proceeding after a judge thereof shall have ruled the same to be relevant and competent evidence in such action or proceeding according to the laws and statutes of said state.

(b) Notwithstanding section 382.16, and except as authorized in paragraph (c), no government entity may release the contents of, or any files, records, reports, papers, or documents pertaining to, United States government form DD214 or DD215 or any other certificate of discharge from military service to any person unless that person:

- (1) provides proof of identity;
- (2) demonstrates tangible interest; and
- (3) completes the required release form prepared by the government entity.

(c) This section does not prohibit the release of forms DD214 and DD215 or other certificates of discharge from military service by an employee or official within a government entity to another employee or official within that government entity for purposes of performance of official duties.

(d) Forms DD214 and DD215 and certificates of discharge from military service filed with a government agency on or after January 1, 2004, are classified as private data on individuals under section 13.02, subdivision 12.

(e) Notwithstanding section 386.015, subdivision 5, no fee may be charged by a government entity for the release of information to a qualified person under this section.

(f) For purposes of paragraph (b), a person who has a tangible interest is:

- (1) the subject of the record, report, paper, or document;
- (2) the surviving spouse of the subject, if the subject is deceased;
- (3) a surviving child of the subject, if the subject is deceased and there is no surviving spouse;
- (4) a surviving parent of the subject, if the subject is deceased and there is no surviving spouse or surviving children; and
- (5) a duly appointed guardian, an attorney in fact, or a duly authorized representative.

(g) For purposes of this section, the term "government entity" has the meaning given in section 13.02, subdivision 7a.

**History:** *1943 c 420 s 8; 1986 c 444; 2003 c 124 s 2; 1Sp2003 c 8 art 2 s 15*

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

**196.10** [Repealed, 1996 c 310 s 1]

**196.11** [Repealed, 1996 c 310 s 1]

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

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

**196.14** [Repealed, 1996 c 310 s 1]

**196.15** [Repealed, 1996 c 310 s 1]

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

**196.17** [Obsolete]**196.18 UNCOMPENSATED AND VOLUNTARY SERVICES; EXPENSES.**

To assist in the discharge of the functions of the department, the commissioner of veterans affairs may accept uncompensated and voluntary services and enter into written agreements with private or public agencies or persons for uncompensated and voluntary services as may be practical. Persons rendering voluntary uncompensated services may be reimbursed for travel expenses incurred in the performance of official duties at the same rate per mile as state employees.

**History:** 1980 c 414 s 1

**196.19 ENVIRONMENTAL HAZARDS INFORMATION AND ASSISTANCE ACT; CITATION.**

Sections 196.19 to 196.26 may be cited as the "Environmental Hazards Information and Assistance Act."

**History:** 1982 c 513 s 1; 2000 c 390 s 3

**196.20** [Repealed, 2000 c 390 s 16]**196.21 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 196.19 to 196.26 the following terms have the meanings given them.

Subd. 2. **Veteran.** "Veteran" means a person who is a resident of this state and who served in the armed forces of the United States of America.

Subd. 3. **Chemical agents.** "Chemical agents" means Agent Orange and any other identified or unidentified chemical substance or compounds suspected by medical experts of adversely affecting the physical, mental, or emotional health of members of the armed forces.

Subd. 4. **Agent Orange.** "Agent Orange" means any herbicide, defoliant, or pesticide containing dioxin and composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

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

**History:** 1982 c 513 s 3; 2000 c 390 s 4-6

**196.22 POWERS AND DUTIES OF COMMISSIONER.**

Subdivision 1. **Environmental hazards information and assistance program.** The commissioner shall establish and maintain an environmental hazards information and assistance program. The commissioner shall:

(1) provide information regarding epidemiological, genetic, and other scientific studies proposed, underway, or completed that pertain to adverse health conditions which may be associated with exposure to chemical agents;

(2) monitor and report on the activities and policies of the United States government relating to the exposure of veterans to chemical agents; and

(3) respond, within the commissioner's powers and duties under this chapter and chapter 197, to other issues of concern to veterans relating to exposure to chemical agents.

Subd. 2. **Referral programs.** The commissioner, in cooperation with the United States

Veterans Administration, county veterans service officers, and veterans organizations shall institute referral programs to:

(1) refer veterans to appropriate federal agencies or other available resources for treatment of adverse health conditions which may have resulted from possible exposure to chemical agents; and

(2) refer veterans to state, county, or veterans organizations advocacy services to assist them in filing compensation claims for disabilities that may have resulted from possible exposure to chemical agents.

Subd. 3. **Limited studies.** The commissioner may contract for limited studies regarding the prevalence of adverse health conditions in veterans which may be associated with possible exposure to chemical agents. Prior to contracting for such studies, the commissioner shall consult with the commissioner of health, the University of Minnesota School of Public Health, and other appropriate scientific and technical advisors pertaining to their design.

Subd. 4. [Repealed, 1997 c 7 art 2 s 67]

Subd. 5. **Communication of veterans' concerns.** Within the commissioner's powers and duties under chapters 196 and 197, the commissioner shall take any action appropriate to represent to appropriate officials and representatives of the United States government the concerns of veterans related to exposure to chemical agents.

**History:** 1982 c 513 s 4; 1986 c 444; 2000 c 390 s 7

### **196.23 ENVIRONMENTAL HAZARDS INFORMATION AND ASSISTANCE SECTION.**

Subdivision 1. **Establishment of section.** The commissioner shall establish an environmental hazards information and assistance section in the Department of Veterans Affairs. The section shall be headed by a director. The commissioner shall provide the director with office space, administrative services, and clerical support.

Subd. 2. **Position of director.** The director of the environmental hazards information and assistance section shall be appointed by the commissioner. The director shall assist the commissioner in carrying out the duties and responsibilities required under sections 196.19 to 196.26. The commissioner of management and budget, in consultation with the commissioner, shall establish minimum qualifications for the position of director. In setting the minimum qualifications, the commissioner of management and budget shall consider the scientific and technical background necessary to perform the duties under sections 196.19 to 196.26.

**History:** 1982 c 513 s 5; 1991 c 238 art 1 s 9; 2000 c 390 s 8; 2008 c 204 s 42; 2009 c 101 art 2 s 109

### **196.24 DUTIES OF COMMISSIONER OF HEALTH.**

Subdivision 1. **Information to health professionals.** The commissioner of health shall provide medical information to health professionals in this state regarding the detection, diagnosis, and treatment of acute and chronic symptoms which may be associated with exposure to chemical agents.

Subd. 2. **Genetic information and counseling.** The commissioner of health, in cooperation with the health facilities of the University of Minnesota, shall provide genetic information and counseling to veterans who have concerns regarding the possible genetic effects which may be associated with exposure to chemical agents.



Subd. 3. **Technical assistance.** The commissioner of health shall provide scientific information and other appropriate technical assistance necessary to enable the commissioner to perform the duties and responsibilities required under sections 196.19 to 196.26.

**History:** 1982 c 513 s 6; 2000 c 390 s 9,10

#### **196.25 CONFIDENTIALITY.**

The identity of a veteran about whom information has been received under sections 196.19 to 196.26 is classified as private data pursuant to section 13.02, subdivision 12, and may not be disclosed unless the veteran consents to the disclosure. Summary data, as defined in section 13.02, subdivision 19, derived from information received under sections 196.19 to 196.26 is public information.

**History:** 1981 c 311 s 39; 1982 c 513 s 7; 1982 c 545 s 24

#### **196.26 CLASS ACTION REPRESENTATION BY ATTORNEY GENERAL.**

The commissioner may request the attorney general to represent a class of individuals composed of veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents in a suit for release of information relating to exposure to these chemicals during military service and for release of individual medical records.

**History:** 1982 c 513 s 8; 2000 c 390 s 11

#### **196.27 [Repealed, 2000 c 390 s 16]**

#### **196.30 VETERANS HEALTH CARE ADVISORY COUNCIL.**

Subdivision 1. **Creation.** The Veterans Health Care Advisory Council is established to provide the Department of Veterans Affairs with advice and recommendations on providing veterans with quality long-term care and the anticipated future needs of Minnesota veterans.

Subd. 2. **Membership.** (a) The council consists of nine public members appointed by the governor. The council members are:

(1) seven members with extensive expertise in health care delivery, long-term care, and veterans services;

(2) one licensed clinician who may be either a physician, physician's assistant, or a nurse practitioner; and

(3) one additional member.

(b) The governor shall designate a member to serve as the chair.

(c) The commissioner of veterans affairs, or the commissioner's designee, is an ex officio, nonvoting member of the council and shall provide necessary and appropriate administrative and technical support to the council.

(d) Membership terms, removal of members, and the filling of vacancies are as provided in section 15.059, subdivisions 2 and 4. Members shall not receive compensation or per diem payments, but may receive reimbursement for expenses pursuant to section 15.059, subdivision 3.

Subd. 3. **Duties.** The council is an advisory group with the responsibility of providing the commissioner of veterans affairs with information and professional expertise on the delivery of quality long-term care to veterans. The council's duties include:

(1) developing a new vision and strategic plan for the veterans homes that complements the Department of Veterans Affairs overall veterans service programs;

(2) providing recommendations and advice on matters including clinical performance, systemwide quality improvement efforts, culture and working environment of the veterans homes, and other operational and organizational functions of the veterans homes;

(3) studying and reviewing current issues and trends in the long-term care industry and the veterans community;

(4) providing recommendations to the commissioner on alternative options for the delivery of long-term care to veterans so that veterans and their families can determine appropriate services under models similar to those available in the community;

(5) establishing, as appropriate, subcommittees or ad hoc task forces of council members, stakeholders, and other individuals with expertise or experience to address specific issues; and

(6) reviewing and providing advice on any other matter at the request of the commissioner.

Subd. 4. **Expiration.** Notwithstanding section 15.059, subdivision 4, the council expires June 30, 2013.

**History:** 2008 c 297 art 2 s 11