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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3763

March 4, 2008

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

March 17, 2008

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to veterans; transferring functions of the Veterans Homes Board of
1.3 Directors to commissioner of veterans affairs; amending Minnesota Statutes
1.4 2006, sections 196.021; 196.03; 198.32, subdivision 1; repealing Minnesota
1.5 Statutes 2006, sections 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3,
1.6 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007
1.7 Supplement, sections 198.002, subdivision 2; 198.004, subdivision 1; Minnesota
1.8 Rules, part 9050.0040, subpart 15.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2006, section 196.021, is amended to read:

1.11 **196.021 DEPUTY COMMISSIONERS; DUTIES.**

1.12 Subdivision 1. **Appointment.** The commissioner shall appoint a deputy
1.13 commissioner for veteran services ~~as provided in subdivision 2, and the board of directors~~
1.14 ~~of the Minnesota Veterans Homes may appoint~~ a deputy commissioner for veteran health
1.15 care ~~as provided in section 198.004.~~ Both deputy commissioners serve in the unclassified
1.16 service, ~~the deputy for veteran services~~ at the pleasure of the commissioner ~~and the deputy~~
1.17 ~~for veteran health care at the pleasure of the board.~~ Both deputies ~~shall~~ must be residents
1.18 of Minnesota, citizens of the United States, and veterans as defined in section 197.447.

1.19 Subd. 2. ~~Deputy for veteran services; Powers and duties.~~ The deputy
1.20 commissioner for veteran services ~~has~~ and the deputy commissioner for veteran health
1.21 care have those powers delegated by the commissioner ~~that have not otherwise been~~
1.22 ~~delegated to the deputy commissioner for veteran health care by the commissioner or~~
1.23 ~~assigned to that deputy commissioner by law.~~ A delegation must be in writing, signed
1.24 by the commissioner, and filed with the secretary of state.

2.1 Sec. 2. Minnesota Statutes 2006, section 196.03, is amended to read:

2.2 **196.03 OFFICERS AND EMPLOYEES.**

2.3 ~~Except as provided in chapter 198,~~ All officers and employees of the department
2.4 shall be appointed by the commissioner and they shall perform such duties as may be
2.5 assigned to them by the commissioner.

2.6 Sec. 3. Minnesota Statutes 2006, section 198.32, subdivision 1, is amended to read:

2.7 Subdivision 1. **Resident's rights.** A resident of a Minnesota veterans home has the
2.8 right to complain and otherwise exercise freedom of expression and assembly which is
2.9 guaranteed by amendment I of the United States Constitution. The administrator of the
2.10 home shall inform each resident in writing at the time of admission of the right to complain
2.11 to the administrator about home accommodations and services. A notice of the right to
2.12 complain shall be posted in the home. The administrator shall also inform each resident of
2.13 the right to complain to the ~~board or to the~~ commissioner of veterans affairs. Each resident
2.14 of a home shall be encouraged and assisted, throughout the period of stay in the home, to
2.15 understand and exercise the rights of freedom of expression and assembly as a resident
2.16 and as a citizen, and, to this end, the resident may voice grievances and recommend
2.17 changes in policies and services to home staff, other residents, and outside representatives
2.18 of the resident's choice, free from restraint, interference, coercion, discrimination, or
2.19 reprisal, including retaliatory eviction.

2.20 Sec. 4. **RULES TRANSFER.**

2.21 Minnesota Rules, chapter 9050, is transferred from the Veterans Homes Board of
2.22 Directors to the commissioner of veterans affairs. The commissioner shall administer and
2.23 enforce those rules and may amend or repeal them.

2.24 Sec. 5. **REVISOR'S INSTRUCTION.**

2.25 (a) The revisor shall change "board," "board of directors," or "Veterans Homes
2.26 Board of Directors" to "commissioner" wherever it is used in Minnesota Statutes, sections
2.27 198.003; 198.005; 198.006; 198.007; 198.022; 198.03; 198.05; 198.065; 198.066; 198.16;
2.28 198.23; 198.261; 198.265; 198.266; 198.31; 198.33; 198.34; 198.35; 198.36; and 198.37;
2.29 and shall change "board rules" to "rules adopted under this chapter" wherever it appears in
2.30 Minnesota Statutes, sections 198.007 and 198.022.

2.31 (b) In Minnesota Rules, chapter 9050, the revisor shall:

2.32 (1) change the terms "executive director," "executive director of the board,"
2.33 "executive director of the Veterans Homes Board," "Minnesota Veterans Homes Board,"

3.1 and "board" to "commissioner of veterans affairs" except where the term "board" is used
3.2 with a different meaning in part 9050.0040, subpart 16;

3.3 (2) change the term "board-operated facility" to "facility operated by the
3.4 commissioner of veterans affairs" and change the term "non-board-operated facility" to
3.5 "facility not operated by the commissioner of veterans affairs";

3.6 (3) change the term "board-approved" to "approved by the commissioner of veterans
3.7 affairs"; and

3.8 (4) eliminate the term "board" where it is used in the third paragraph of part
3.9 9050.1070, subpart 9.

3.10 (c) The revisor shall change any of the terms in paragraph (a) or (b) to "commissioner
3.11 of veterans affairs" if they are used to refer to the Veterans Homes Board of Directors or
3.12 its executive director anywhere else in Minnesota Statutes or Minnesota Rules.

3.13 **Sec. 6. REPEALER.**

3.14 Minnesota Statutes 2006, sections 198.001, subdivisions 6 and 9; 198.002,
3.15 subdivisions 1, 3, and 6; 198.003, subdivisions 5 and 6; and 198.004, subdivision 2, and
3.16 Minnesota Statutes 2007 Supplement, sections 198.002, subdivision 2; and 198.004,
3.17 subdivision 1, are repealed.

3.18 (b) Minnesota Rules, part 9050.0040, subpart 15, is repealed.