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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **2665**

03/03/2014 Authored by Nelson and Newton

The bill was read for the first time and referred to the Committee on State Government Finance and Veterans Affairs

1.1 A bill for an act
1.2 relating to the military; removing obsolete, redundant, and unnecessary laws
1.3 related to military affairs; repealing Minnesota Statutes 2012, sections 191.08;
1.4 192.12; 192.15; 192.16; 192.21; 192.42; 192.54; 192.66.

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

1.6 Section 1. **REPEALER.**

1.7 Minnesota Statutes 2012, sections 191.08; 192.12; 192.15; 192.16; 192.21; 192.42;
1.8 192.54; and 192.66, are repealed.

191.08 CONSTRUCTION OF LAWS 1943, CHAPTER 108.

Nothing in Laws 1943, chapter 108, shall be construed as authorizing the military forces of the state or any part thereof to be called, ordered, or in any manner inducted as such into the military service of the United States, except the National Guard and other forces expressly made subject to such service by state or federal law; but no person shall by reason of enlistment or commission in the military forces of the state be thereby exempted from military service under any law of the United States.

192.12 IN COMPUTING CONTINUOUS SERVICE.

Service by any person in the armed forces of the United States in the time of war, insurrection, or rebellion, shall be considered as continuous service in the National Guard for any and all purposes regarding privileges and exemptions provided by law for members of the National Guard by enlistment or commission. The continuous service for an officer shall include only the time the person was commissioned as an officer.

192.15 COMMISSIONS MAY BE VACATED; FEDERAL REGULATIONS.

At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board as provided by federal law. Commissions of officers of the National Guard may be vacated, upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court martial.

192.16 SURPLUS OFFICERS.

Officers of the guard rendered surplus by the disbandment of their organizations shall be disposed of as provided by federal law.

192.21 DISCHARGES FOR ENLISTED MEMBERS.

An enlisted member discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed by federal law and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the federal authorities may prescribe.

192.42 ARMS AND UNIFORMS.

The National Guard shall be uniformed, armed, and equipped as provided by federal law. Such uniforms, arms, and equipment shall be procured and issued by the proper officers as the needs of the service may require and shall be accounted for as the regulations may prescribe.

192.54 TRANSPORTATION HIRE AND EXPENSE.

The hire and expense of means of transportation required for the military forces when in active service, including camps of instruction, practice marches, parades, maneuvers, and other authorized purposes, when ordered by the governor as commander-in-chief, shall be paid by the adjutant general out of the funds appropriated for the maintenance of the military forces.

192.66 DESERTION.

Desertion in the military forces shall be as defined in the Minnesota Code of Military Justice. But if any enlisted member is known to have removed from the state, and, through ignorance or neglect, has failed to apply for discharge, a discharge may be requested by that enlisted member's immediate commanding officer.