

Subd. 2. Within ten days after the hearing, the board shall issue a written decision regarding the termination. If the board decides to terminate the employee's coaching duties, the decision shall state the reason on which it is based and include findings of fact based upon competent evidence in the record. The board may terminate the employee's duties or not, as it sees fit, for any reason which is found to be true based on substantial and competent evidence in the record.

Subd. 3. This section shall not apply to the termination of coaching duties pursuant to a district transfer policy or as a result of the nonrenewal or termination of the employee's contract or the employee's discharge, demotion or suspension pursuant to sections 125.12 or 125.17. This section shall not apply to the termination of an employee's coaching duties prior to his completion of the probationary period of employment.

Approved March 23, 1978.

CHAPTER 551-H.F.No.1604

An act relating to town roads; providing cartways; amending Minnesota Statutes 1976, Section 164.08, Subdivision 2.

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

Section 1. Minnesota Statutes 1976, Section 164.08, Subdivision 2, is amended to read:

Subd. 2. **SHALL BE ESTABLISHED IN CERTAIN INSTANCES.** Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages, if any, shall be paid by the petitioner to the town before such cartway is opened.

Approved March 23, 1978.

CHAPTER 552-H.F.No.1612

[Coded in Part]

An act relating to military justice; providing for military judges; modifying court composition and punishment authority; making other changes consistent and current federal military law; amending Minnesota Statutes 1976, Sections 192A.015; 192A.02; 192A.045; 192A.06; 192A.085; 192A.09; 192A.10; 192A.105; 192A.11, Subdivision 3; 192A.12;

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192A.13; 192A.14; 192A.145, Subdivisions 3 and 4; 192A.15; 192A.155; 192A.16; 192A.165; 192A.18, Subdivisions 1 and 2; 192A.195; 192A.205; 192A.21, Subdivision 2; 192A.215; 192A.22; 192A.225; 192A.23; 192A.245; 192A.25, Subdivision 2; 192A.265, Subdivision 1; 192A.275; 192A.28; 192A.29; 192A.305; 192A.315; 192A.345, Subdivisions 2 and 3; 192A.355; 192A.47; 192A.555; 192A.585; 192A.595, Subdivision 1; 192A.61, Subdivision 3; 192A.615; Chapter 192A by adding sections; and repealing Minnesota Statutes 1976, Sections 192A.01, Subdivision 2; 192A.04, Subdivisions 4 and 5; 192A.125; and 192A.565.

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

Section 1. Minnesota Statutes 1976, Section 192A.015, is amended to read:

192A.015 DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) "State military forces" means the national guard of the state, as defined in section 101(3) of title 32, United States Code, the organized naval militia of the state, and any other military force organized under the laws of the state;

(2) "Officer" means commissioned or warrant officer;

(3) "Commissioned officer" includes a commissioned warrant officer;

(4) "Commanding officer" includes only commissioned officers;

(5) "Superior commissioned officer" means a commissioned officer superior in rank and command;

(6) "Enlisted member" means a person in an enlisted grade;

(7) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation;

(8) "Rank" means the order of precedence among members of the state military forces;

(9) "Active state duty" means full time duty in the active military service of the state under an order of the governor issued under authority vested in him by law, including travel to and from such duty and "active service" as defined in Minnesota Statutes, Section 190.05, including travel to and from such duty;

(10) "Duty status other than active state duty" means any one of the types of duty described in Minnesota Statutes, Section 190.05, as "on duty" and includes travel to and from such duty;

(11) "Military court" means a court-martial, a court of inquiry, or a provost court;

(12) "Law officer" means an official of a general court-martial detailed in accordance with section 192A.15.

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(13) "Law specialist" means a commissioned officer of the organized naval militia of the state designated for special duty (law);

(14) "Legal officer" means any commissioned officer of the organized naval militia of the state designated to perform legal duties for a command;

(15) "State judge advocate" means the commissioned officer responsible for supervising the administration of the military justice in the state military forces;

(16) "Accuser" means a person who signs and swears to charges; any person who directs that charges nominally be signed and sworn to by another; and any person who has an interest other than an official interest in the prosecution of the accused;

(17) "Military" refers to any or all of the armed forces;

(18) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command;

(19) "May" is used in a permissive sense. The words "no person may" mean that no person is required, authorized, or permitted to do the act prescribed;

(20) "Shall" is used in an imperative sense;

(21) "Code" means this chapter. (1) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused;

(2) "Active state duty" means full time duty in the active military service of the state under an order of the governor issued under authority vested in him by law, including travel to and from such duty and "Active Service" as defined in Minnesota Statutes, Section 190.05, including travel to and from such duty.

(3) "Code" means this chapter.

(4) "Commanding officer" means a commissioned officer who is in command of any unit.

(5) "Commissioned officer" includes a commissioned warrant officer;

(6) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command;

(7) "Duty status other than active state duty" means any one of the types of duty described in Minnesota Statutes, Section 190.05, as "on duty" and includes travel to and from such duty;

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(8) "Enlisted member" means a person in an enlisted grade;

(9) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation;

(10) "In federal service" and "not in federal service" mean the same as those terms are used and construed in federal laws and regulations;

(11) "May" is used in a permissive sense. The words "no person may" mean that no person is required, authorized, or permitted to do the act prescribed;

(12) "Military" refers to any or all of the armed forces of the United States or any state;

(13) "Military court" means a court-martial, a court of inquiry;

(14) "Officer" means commissioned or warrant officer;

(15) "Rank" means the order of precedence among members of the state military forces;

(16) "Shall" is used in a mandatory sense;

(17) "State judge advocate" means the commissioned officer responsible for supervising the administration of the military justice in the state military forces and appointed pursuant to section 192A.04;

(18) "State military forces" means the national guard of the state, as defined in section 101 (3) of Title 32, United States Code, and any other military force organized under the laws of the state;

(19) "Superior commissioned officer" means a commissioned officer superior in rank and command.

Sec. 2. Minnesota Statutes 1976, Section 192A.02, is amended to read:

192A.02 PERSONS SUBJECT TO THIS CODE. Subdivision 1. This code applies to all members of the state military forces who are not in federal service when they are on active state duty or duty status other than active state duty.

Subd. 2. This code also applies to all persons in the military while they are serving within this state and while they are under the command of a commissioned officer of the state military forces.

Subd. 3. The provisions of chapter 192A conferring jurisdiction over persons shall not be construed as depriving military commissions or other military tribunals of concurrent jurisdiction in respect to offenders or offenses that by statute or by law of war may be tried by such military commissions or other military tribunals.

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Sec. 3. Minnesota Statutes 1976, Section 192A.045, is amended to read:

192A.045 **APPREHENSION.** Subdivision 1. Apprehension is the taking of a person into custody.

Subd. 2. Any person authorized by this code, or by regulations issued under it, to ~~or any peace officer, may~~ apprehend persons subject to this code; ~~any marshal of a court martial appointed pursuant to the provisions of this code, and any peace officer authorized to do so by law, may do so~~ upon reasonable belief that an offense has been committed and that the person apprehended committed it.

Subd. 3. If any person subject to this code misses a movement to, or is absent without official leave from, annual field training or active state duty, such person may be apprehended and delivered to his commanding officer. Apprehension may be made by military police personnel or by any civil peace officer pursuant to a warrant issued by a military judge upon a finding of probable cause.

Subd. ~~3.~~ 4. Commissioned officers, warrant officers, ~~petty officers,~~ and noncommissioned officers have authority to quell quarrels, frays, and disorders among persons subject to this code and to apprehend persons subject to this code who take part therein.

Sec. 4. Minnesota Statutes 1976, Section 192A.06, is amended to read:

192A.06 **RESTRAINT OF PERSONS CHARGED WITH OFFENSES.** Any person subject to this code charged with an offense under this code ~~shall may~~ be ordered into arrest or confinement, as circumstances may require; but when charged only with an offense normally tried by a summary court-martial, such person shall not ordinarily be placed in confinement. When any person subject to this code is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused and to try him or to dismiss the charges and release him.

Sec. 5. Minnesota Statutes 1976, Section 192A.085, is amended to read:

192A.085 **COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT.** Subdivision 1. Under such regulations as the governor may prescribe any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(1) Upon an officer of his command:

(a) Withholding of privileges for not more than two consecutive weeks;

(b) Restriction to certain specified limits, with or without suspension from duty, for not more than two consecutive weeks; or

(c) If imposed by the governor, the commanding officer of a force of the state

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military forces, or the commanding general of a division, a ~~fine or forfeiture of pay and allowances of not more than \$75~~ a forfeiture of not more than 15 days pay or a fine in an equivalent amount.

(2) Upon other military personnel of his command:

(a) Withholding of privileges for not more than two consecutive weeks;

(b) Restriction to certain specified limits, with or without suspension from duty, for not more than two consecutive weeks;

(c) Extra duties for not more than 14 days, which need not be consecutive, and for not more than two hours per day, holidays included;

(d) Reduction to next inferior grade if the grade from which demoted was established by the command or an equivalent or lower command;

(e) If imposed upon a person attached to or embarked in a vessel, confinement for not more than seven consecutive days; or

(f) ~~If imposed by an officer exercising special court-martial jurisdiction over the offender, a fine or forfeiture of pay and allowances of not more than \$10~~ A forfeiture of not more than four days pay or a fine in an equivalent amount.

Subd. 2. The governor may, by regulation, place limitations on the powers granted by this section with respect to the kind and amount of punishment authorized and the categories of commanding officers authorized to exercise those powers.

Subd. 3. ~~An officer in charge may, for minor offenses, impose on enlisted members assigned to the unit of which he is in charge such of the punishments authorized to be imposed by commanding officers as the governor may by regulation specifically prescribe, as provided in subdivisions 1 and 2. Punishment may not be imposed upon any person subject to this code if such person, before imposition of such punishment, has demanded trial by court martial in lieu of such punishment, except in the case of a person attached to or embarked on a vessel.~~

Subd. 4. A person punished under this section who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished ~~may~~ shall not in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, his successor in command, and superior authority may suspend, set aside, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. Before acting on an appeal from a punishment of a fine or forfeiture of pay or reduction in grade, the authority who is to act on the appeal shall refer the matter to his judge advocate for his advice and counsel.

Subd. 5. The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or

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offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

Subd. 6. Whenever a punishment of forfeiture of pay ~~and allowances~~ is imposed under this section, the forfeiture may apply to pay ~~or allowances~~ accruing on or after the date that punishment is imposed and to any pay ~~and allowances~~ accrued before that date.

Subd. 7. For purposes of this section, "consecutive" means time on active state duty or duty status other than active state duty excluding any intervening period or periods when the person concerned is not on such duty.

Sec. 6. Minnesota Statutes 1976, Section 192A.09, is amended to read:

192A.09 COURTS-MARTIAL OF STATE MILITARY FORCES NOT IN FEDERAL SERVICE; COMPOSITION; JURISDICTION; POWERS AND PROCEEDINGS. ~~Subdivision 1. In the state military forces not in federal service, there are general, special, and summary courts-martial constituted like similar courts of the armed forces of the United States. They have the jurisdiction and powers, except as to punishments; and shall follow the forms and procedures provided for those courts:~~

~~Subd. 2. The three kinds of courts-martial are:~~

~~(1) General courts-martial, consisting of a law officer and not less than five members;~~

~~(2) Special courts-martial, consisting of not less than three members; and~~

~~(3) Summary courts-martial, consisting of one commissioned officer. In the state military forces not in federal service, there shall be three types of courts-martial:~~

~~(1) General courts-martial, consisting of:~~

~~(a) A military judge and not less than five members; or~~

~~(b) Only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves; and~~

~~(2) Special courts-martial, consisting of:~~

~~(a) A military judge and not less than three members; or~~

~~(b) Only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves; and~~

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(3) Summary courts-martial, consisting of a military judge.

Sec. 7. Minnesota Statutes 1976, Section 192A.10, is amended to read:

192A.10 **JURISDICTION OF GENERAL COURTS-MARTIAL.** Subject to section 192A.095 general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor may prescribe, adjudge any of the following punishments:

- (1) A fine of not more than \$200 ~~A reprimand~~;
- (2) Forfeiture of pay and allowances not to exceed \$200 ~~A fine of not more than \$200~~;
- (3) A ~~reprimand~~ Forfeiture of not more than 48 days pay;
- (4) Dismissal, bad conduct discharge, or dishonorable discharge;
- (5) Reduction of a ~~noncommissioned officer to the ranks in rank of an enlisted man to any lower enlisted rank including the lowest enlisted rank~~; or
- (6) Confinement of not more than six months; or
- ~~(7) Any combination of these punishments.~~

Sec. 8. Minnesota Statutes 1976, Section 192A.105, is amended to read:

192A.105 **JURISDICTION OF SPECIAL COURTS-MARTIAL.** Subject to section 192A.095 special courts-martial have jurisdiction to try persons subject to this code, except commissioned officers, for any offense for which they may be punished under this code. A special court-martial ~~has the same powers of punishment as a general court-martial; except that a special court-martial may not adjudge the following punishments: (1) A fine or forfeiture in excess of \$100 for a single offense; (2) dishonorable discharge may adjudge the following punishments:~~

- (1) A reprimand;
- (2) A fine of not more than \$100;
- (3) Forfeiture of not more than 24 days pay;
- (4) Reduction in rank of an enlisted man to any lower enlisted rank including the lowest enlisted grade;
- (5) A bad conduct discharge;
- (6) Confinement of not more than 90 days; or

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(7) Any combination of these punishments.

Sec. 9. Minnesota Statutes 1976, Section 192A.11, Subdivision 3, is amended to read:

Subd. 3. A summary court-martial may sentence to a fine of not more than \$25 for a single offense; to forfeiture of pay and allowance; and to reduction of a noncommissioned officer to the ranks adjudge the following punishments:

(1) A reprimand;

(2) A fine of not more than \$25;

(3) Forfeiture of not more than 12 days pay;

(4) Reduction in rank of an enlisted man to any lower enlisted rank including the lowest enlisted grade;

(5) Confinement of not more than 15 days;

(6) Any combination of these punishments.

Sec. 10. Minnesota Statutes 1976, Section 192A.12, is amended to read:

192A.12 COMPLETE RECORD OF PROCEEDINGS AND TESTIMONY IF DISHONORABLE DISCHARGE, BAD CONDUCT DISCHARGE, OR DISMISSAL ADJUDGED. A dishonorable discharge, bad conduct discharge, or dismissal may not be adjudged by any court-martial unless a complete record of the proceedings and testimony before the court has been made, qualified counsel has been detailed to represent the accused, and a military judge has presided over the trial.

Sec. 11. Minnesota Statutes 1976, Section 192A.13, is amended to read:

192A.13 WHO MAY CONVENE GENERAL COURTS-MARTIAL. In the state military forces not in federal service, general courts-martial may be convened ~~by the president~~ or by the governor.

Sec. 12. Minnesota Statutes 1976, Section 192A.14, is amended to read:

192A.14 WHO MAY CONVENE SUMMARY COURTS-MARTIAL. ~~Subdivision 1.~~ In the state military forces not in federal service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court-martial consisting of ~~one commissioned officer~~ a military judge. The proceedings shall be informal.

Subd. 2. ~~When only one commissioned officer is present with a command or detachment he shall be the summary court-martial of that command or detachment and~~

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shall hear and determine all summary court-martial cases brought before him. Summary courts-martial may, however, be convened in any case by superior competent authority when considered desirable by him.

Sec. 13. Minnesota Statutes 1976, Section 192A.145, Subdivision 3, is amended to read:

Subd. 3. (1) Any enlisted member of the state military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, before the ~~convening of the court~~ conclusion of a session called by the military judge, under section 192A.215 of this code prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally has requested in writing that enlisted members serve on it. After such a request the accused may not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one third of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

(2) In this section the word "unit" means any regularly organized body of the state military forces not larger than a company, a squadron, ~~a division of the naval militia~~, or a body corresponding to one of them.

Sec. 14. Minnesota Statutes 1976, Section 192A.145, Subdivision 4, is amended to read:

Subd. 4. (1) When it can be avoided, no person subject to this code may be tried by a court-martial any member of which is junior to him in rank or grade.

(2) When convening a court-martial, the convening authority shall detail as members thereof such members as in his opinion are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member is eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case. ~~If within the command of the convening authority there is present and not otherwise disqualified a commissioned officer who is a member of the bar of the highest court of the state and of appropriate rank and grade, the convening authority shall appoint him as president of a special court-martial. Although this requirement is binding on the convening authority, failure to meet it in any case does not divest a military court of jurisdiction.~~

Sec. 15. Minnesota Statutes 1976, Section 192A.15, is amended to read:

192A.15 MILITARY JUDGE SYSTEM. Subdivision 1. ~~The authority convening a general court-martial shall detail as law officer thereof a commissioned officer who is a~~

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member of the bar of the highest court of the state, or a member of the bar of a federal court, and who is certified to be qualified for such duty by the state judge advocate. No person is eligible to act as law officer in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case. There is hereby established a military judge system for the state military forces. The military judge system shall be in the military department under the command of the adjutant general. It shall consist of at least two military judges, a number of legal clerks equal to the number of judges and such additional military staff as is necessary.

Subd. 2. The law officer may not consult with the members of the court, other than on the form of the findings as provided in section 192A.215, except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court. A military judge shall be a commissioned officer of the state military forces who has been a member of the bar of this state for at least six years, who has served as a member of the judge advocate generals corps for not less than three years, and who is certified to be qualified for such duty by the state judge advocate.

Subd. 3. The military judge to be detailed to a court martial shall be designated by the adjutant general, or his designee, for detail by the convening authority. A military judge may be detailed generally to act as summary court officer.

Subd. 4. No person is eligible to act as a military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or counsel in the same case.

Subd. 5. The military judge of a general or special court-martial may not consult with the members of the court except in the presence of the accused, trial counsel and defense counsel, nor may he vote with the members of the court.

Sec. 16. Minnesota Statutes 1976, Section 192A.155, is amended to read:

192A.155 DETAIL OF TRIAL COUNSEL AND DEFENSE COUNSEL.
 Subdivision 1. For each general and special court-martial the authority convening the court shall detail trial counsel and defense counsel, and such assistants as he considers appropriate. No person who has acted as investigating officer, law officer military judge, or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

Subd. 2. Trial counsel or defense counsel detailed for either a general court-martial or a special court-martial:

(1) Must be a person who is a member of the bar of the highest court of the state, or a member of the bar of a federal court; and

(2) Must be certified as competent to perform such duties by the state judge

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advocate.

~~Subd. 3. In the case of a special court-martial:~~

~~(1) If the trial counsel is qualified to act as counsel before a general court-martial, the defense counsel detailed by the convening authority must be a person similarly qualified; and~~

~~(2) If the trial counsel is a member of the bar of the highest court of the state, the defense counsel detailed by the convening authority must be a person similarly qualified.~~

Sec. 17. Minnesota Statutes 1976, Section 192A.16, is amended to read:

192A.16 **DETAIL OR EMPLOYMENT OF REPORTERS AND INTERPRETERS.** ~~Under such regulations as the governor may prescribe,~~ The convening authority of a general or special court-martial or court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court. ~~Under like regulations~~ The convening authority of a military court may detail or employ interpreters, as necessary, who shall interpret for the court.

Sec. 18. Minnesota Statutes 1976, Section 192A.165, is amended to read:

192A.165 **ABSENT AND ADDITIONAL MEMBERS.** Subdivision 1. No member of a general or special court-martial may be absent or excused after the ~~accused has been arraigned~~ court has been assembled for the trial of the accused, except for physical disability or as the result of a challenge or by order of the convening authority for good cause.

Subd. 2. ~~Whenever a general court-martial is reduced below five members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than five members. When the new members have been sworn, the trial may proceed after the recorded testimony of each witness previously examined has been read to the court in the presence of the law officer, the accused, and counsel. A general court-martial, other than a general court-martial composed of a military judge only, shall be composed of at least five regular members and one alternate member selected as described for regular members. Whenever a general court-martial is reduced below five members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than five members. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides and such procedure is consented to by the accused and defense counsel. If not consented to, the convening authority may order a new trial.~~

Subd. 3. ~~Whenever a special court-martial is reduced below three members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than three members. When the new members have been sworn, the trial shall proceed as if no evidence had previously been introduced, unless a~~

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verbatim record of the testimony of previously examined witnesses or a stipulation thereof is read to the court in the presence of the accused and counsel. A special court-martial, other than a special court-martial consisting of a military judge only, shall be composed of at least three regular members and one alternate member selected as described for regular members. Whenever a special court-martial is reduced below three members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than three members. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides and such procedure is consented to by the accused and defense counsel. If not consented to, the convening authority may order a new trial.

Subd. 4. No person is eligible to act as a military judge in a case if he is the accuser, a witness for the prosecution, a counsel, or has acted as investigating officer in the same case.

Sec. 19. Minnesota Statutes 1976, Section 192A.18, Subdivision 1, is amended to read:

192A.18 INVESTIGATION. Subdivision 1. No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. The convening authority shall request his judge advocate to appoint an investigating officer. The investigating officer shall be a member of the state military forces. This investigation shall include inquiry as to the truth of the matter set forth in the charges, and consideration of the form of charges, ~~and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.~~

Sec. 20. Minnesota Statutes 1976, Section 192A.18, Subdivision 2, is amended to read:

Subd. 2. The accused shall be advised of the charges against him and of his right to be represented at that investigation by counsel. Upon his own request ~~he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the officer exercising general court-martial jurisdiction over the command military counsel shall be provided without cost, or, if he prefers, he may retain civilian counsel of his own choice at his own expense.~~ At that investigation full opportunity shall be given to the accused to cross examine witnesses against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a ~~statement of report containing~~ the substance of the testimony taken on both sides and a ~~recommendation as to the disposition which should be made of the case in the interest of justice and discipline.~~ A copy thereof shall be given to the accused.

Sec. 21. Minnesota Statutes 1976, Section 192A.195, is amended to read:

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192A.195 **SERVICE OF CHARGES.** The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. In time of peace no person may, against his objection, be brought to trial before a general court-martial within a period of five days after the service of the charges upon him; or before, or be required to participate either by himself or with counsel in a session called by a military judge under section 192A.215 in a general court-martial case within a period of five days after the service of charges upon him or in a special court-martial within a period of three days after the service of the charges upon him.

Sec. 22. Minnesota Statutes 1976, Section 192A.205, is amended to read:

192A.205 UNLAWFULLY INFLUENCING ACTION OF COURT. Subdivision 1.

No authority convening a general, special, or summary court-martial nor any other commanding officer, or officer serving on the staff thereof, may censure, reprimand, or admonish the court or any member, law officer, military judge or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No person subject to this code may attempt to coerce or, by any unauthorized means, influence the action of the court martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts. The foregoing provisions of this subdivision shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge or counsel.

Subd. 2. In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the state military forces is qualified to be advanced in grade, or in determining the assignment or transfer of such a member or in determining whether such member should be retained on any type of duty or status, no person subject to this code may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member because of the zeal with which such member, as counsel, represented any accused before a court-martial. This section shall not apply to evaluations made by a judge advocate on the performance of his staff.

Sec. 23. Minnesota Statutes 1976, Section 192A.21, Subdivision 2, is amended to read:

Subd. 2. The accused has the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, or by military defense counsel of his own selection if reasonably available; or by the defense counsel detailed under section 192A.155. Should the accused have civilian counsel of his own selection, the defense counsel, and assistant defense counsel, if any, who were detailed shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the president of the court military judge.

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Sec. 24. Minnesota Statutes 1976, Section 192A.215, is amended to read:

192A.215 **SESSIONS.** ~~Whenever a general or special court-martial deliberates or votes, only the members of the court may be present. After a general court-martial has finally voted on the findings, the court may request the law officer and the reporter to appear before the court to put the findings in proper form, and those proceedings shall be on the record. All other proceedings, including any other consultation of the court with counsel or the law officer, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and, in general court-martial cases, the law officer. Subdivision 1. At any time after the service of charges which have been referred for trial to a general or special court-martial, the military judge may, subject to section 192A.20 of this code, call the court into session without the presence of the members for the following purposes:~~

(1) Hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

(2) Hearing and ruling upon any matter which may be ruled upon by the military judge under this code, whether or not the matter is appropriate for later consideration or decision by members of the court;

(3) If permitted by regulations issued pursuant to this code, holding the arraignment and receiving the pleas of the accused; and

(4) Performing any other procedural function which may be performed by the military judge under this code or under rules prescribed pursuant to section 192A.20 of this code and which does not require the presence of the members of the court.

Subd. 2. The proceedings described in subdivision 1 of this section shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

Subd. 3. When the members of a court-martial deliberate or vote only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel and the military judge.

Sec. 25. Minnesota Statutes 1976, Section 192A.22, is amended to read:

192A.22 **CONTINUANCES.** A military judge detailed to a court-martial may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

Sec. 26. Minnesota Statutes 1976, Section 192A.225, is amended to read:

192A.225 **CHALLENGES.** Subdivision 1. Members of a general or special court-martial and the law officer of a general court-martial ~~The military judge and~~ Changes or additions indicated by underline deletions by strikeout

members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The ~~court~~ military judge shall determine the relevancy and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

Subd. 2. Each accused and the trial counsel is entitled to one peremptory challenge, but the ~~law officer~~ military judge may not be challenged except for cause.

Sec. 27. Minnesota Statutes 1976, Section 192A.23, is amended to read:

192A.23 OATHS. Subdivision 1. ~~The law officer, interpreters, and, in general and special courts-martial, members, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, and reporters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully. Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations issued pursuant to this code. These regulations may provide that an oath to perform faithfully duties as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty, and if such oath is taken it need not again be taken at the time the judge advocate or other person is detailed to that duty.~~

Subd. 2. Each witness before a military court shall be examined on oath or affirmation.

Sec. 28. Minnesota Statutes 1976, Section 192A.245, is amended to read:

192A.245 PLEAS OF THE ACCUSED. Subdivision 1. If an accused ~~arraigned before a court-martial after arraignment~~ makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though he had pleaded not guilty.

Subd. 2. With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge, a finding of guilty of the charge or specification may, if permitted by rules issued pursuant to this code, be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceeding shall continue as though the accused had pleaded not guilty.

Sec. 29. Minnesota Statutes 1976, Section 192A.25, Subdivision 2, is amended to read:

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Subd. 2. The ~~president~~ military judge of a court-martial ~~or a summary court officer~~ may:

(1) Issue a warrant for the arrest of any accused person who having been served with a warrant and a copy of the charges disobeys a written order by the convening authority to appear before the court;

(2) Issue subpoenas duces tecum and other subpoenas;

(3) Enforce by attachment the attendance of witnesses and the production of books and papers; and

(4) Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

Sec. 30. Minnesota Statutes 1976, Section 192A.265, Subdivision 1, is amended to read:

192A.265 **DEPOSITIONS.** Subdivision 1. At any time after charges have been signed, as provided in section 192A.17, any party may take oral or written depositions unless the military judge or, in the event a military judge has not been detailed to the case, an authority competent to convene a court-martial for the trial of those charges forbids it for good cause. If a deposition is to be taken before charges are referred for trial, such an authority may designate commissioned officers to represent the prosecution and the defense and may authorize those officers to take the deposition of any witness.

Sec. 31. Minnesota Statutes 1976, Section 192A.275, is amended to read:

192A.275 **VOTING AND RULINGS.** Subdivision 1. Voting by members of a general or special court-martial ~~upon questions of challenge~~, on the findings; and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

Subd. 2. The ~~law officer~~ military judge of a general court-martial ~~and the president of a special court-martial~~ shall rule upon all questions of law and all interlocutory questions, ~~other than challenge~~, arising during the proceedings. Any such ruling made by the ~~law officer of a general court-martial or by the president of a special court-martial~~ upon any interlocutory question ~~other than a motion for a finding of not guilty, or the question of accused's sanity~~ military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused, is final and constitutes the ruling of the court. However, the ~~law officer or president~~ military judge may change the ruling at any time during the trial ~~except a ruling on a motion for a finding of not guilty that was granted~~. Unless the ruling is final, if any member objects thereto the court shall be cleared and closed and the question decided by a voice vote as provided in section 192A.28 ~~beginning with the junior in rank~~.

Subd. 3. Before a vote is taken on the findings, the ~~law officer of a general~~
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court-martial and the president of a special military judge of a court-martial shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge the court them:

(1) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(2) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

(3) That if there is a reasonable doubt as to the degree of guilt the finding must be in a lower degree as to which there is no reasonable doubt; and

(4) That the burden of proof of establishing the guilt of the accused beyond reasonable doubt is upon the state.

Subd. 4. Subdivisions 1, 2 and 3 do not apply to a court martial composed of a military judge only. The military judge of such a court martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court martial shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

Sec. 32. Minnesota Statutes 1976, Section 192A.28, is amended to read:

192A.28 **NUMBER OF VOTES REQUIRED.** Subdivision 1. No person may be convicted of an offense except as provided in section 192A.245, subdivision 2, or by the concurrence of two-thirds of the members present at the time the vote is taken.

Subd. 2. All sentences shall be determined by the concurrence of two-thirds of the members present at the time that the vote is taken.

Subd. 3. All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote, but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

Sec. 33. Minnesota Statutes 1976, Section 192A.29, is amended to read:

192A.29 **RECORD OF TRIAL.** Subdivision 1. Each court-martial shall keep a separate record of the proceedings of the trial of each case brought before it and the record shall be authenticated by the signatures of the president and the law officer. If the

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record cannot be authenticated by either the president or the law officer, by reason of his death, disability, or absence, it shall be signed by a member in lieu of him. If both the president and the law officer are unavailable, the record shall be authenticated by two members. A record of the proceedings of a trial in which the sentence adjudged includes a bad-conduct discharge or is more than that which could be adjudged by a special court-martial shall contain a verbatim account of the proceedings and testimony before the court. All other records of trial shall contain such matter and be authenticated in such manner as the governor may by regulation prescribe. Each general and special court-martial shall keep a verbatim record of the proceedings and testimony in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge, the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subdivision. If the proceedings have resulted in an acquittal of all charges and specifications or, if not affecting an officer, in a sentence not including discharge and not in excess of that which may otherwise be adjudged by a special court-martial, the record shall contain such matters as may be prescribed by regulations of the governor. A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated.

Subd. 2. A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated. If a verbatim record of trial by general court-martial is not required by subdivision 1, but has been made, the accused may buy such a record under such regulations as the governor may prescribe. Each summary court-martial shall keep a separate record of the proceedings in each case, and the record shall contain the matter and shall be authenticated in the manner required by such regulations as the governor may prescribe.

Sec. 34. Minnesota Statutes 1976, Section 192A.305, is amended to read:

192A.305 **EFFECTIVE DATE OF SENTENCES.** Subdivision 1. Whenever a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended or deferred, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. No forfeiture may extend to any pay or allowances accrued before that date.

Subd. 2. Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement. Regulations prescribed by the governor may provide that sentences of confinement may not be executed until approved by designated officers.

Subd. 3. All other sentences of courts-martial are effective on the date ordered executed.

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Subd. 4. On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising similar court-martial convening authority over the command to which the accused is currently assigned, may in his sole discretion defer service of a sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising similar court-martial jurisdiction over the command to which the accused is currently assigned.

Sec. 35. Minnesota Statutes 1976, Section 192A.315, is amended to read:

192A.315 EXECUTION OF SENTENCE; SUSPENSION OR DEFERMENT OF SENTENCE. Except as provided in sections 192A.12 and 192A.345 a court-martial sentence, unless suspended, may be ordered executed by the convening authority when approved by him. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend or defer the execution of the sentence as approved by him.

Sec. 36. Minnesota Statutes 1976, Section 192A.345, Subdivision 2, is amended to read:

Subd. 2. In all other cases not covered by subdivision 1, if the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, the entire record shall be sent to the appropriate staff judge advocate or ~~legal officer~~ of the state force concerned to be reviewed in the same manner as a record of trial by general court-martial. The record and the opinion of the staff judge advocate or ~~legal officer~~ shall then be sent to the state judge advocate for review.

Sec. 37. Minnesota Statutes 1976, Section 192A.345, Subdivision 3, is amended to read:

Subd. 3. All other special and summary court-martial records shall be sent to the ~~law specialist or legal officer~~ staff judge advocate of the appropriate force of the state military forces and shall be acted upon, transmitted, and disposed of as may be prescribed by regulations prescribed by the governor.

Sec. 38. Minnesota Statutes 1976, Section 192A.355, is amended to read:

192A.355 REVIEW COUNSEL. Subdivision 1. Upon the final review of a sentence of a general court-martial or of a sentence to a bad conduct discharge, the accused has the right to be represented by counsel before the reviewing authority, before the staff judge advocate or ~~legal officer~~, as the case may be, and before the state judge advocate.

Subd. 2. Upon the request of an accused entitled to be so represented, the state judge advocate shall appoint a lawyer who is a member of the state military forces and who has the qualifications prescribed in section 192A.155, if ~~available~~, to represent the accused before the reviewing authority, before the staff judge advocate or ~~legal officer~~, as the case may be, and before the state judge advocate, in the review of cases specified in

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subdivision 1.

Subd. 3. If provided by him, an accused entitled to be so represented may be represented by civilian counsel before the reviewing authority, before the staff judge advocate or legal officer, as the case may be, and before the state judge advocate.

Sec. 39. Minnesota Statutes 1976, Section 192A.47, is amended to read:

192A.47 CRUELTY AND MALTREATMENT. Any person subject to this code who is ~~guilty of cruelty toward, or oppression or maltreatment of,~~ acts cruelly, oppressively or maltreats any person subject to his orders shall be punished as a court-martial may direct.

Sec. 40. Minnesota Statutes 1976, Section 192A.555, is amended to read:

192A.555 DRUNKEN OR RECKLESS DRIVING. Any person subject to this code ~~who operates any vehicle while drunk, or in a reckless or wanton manner who drives, operates while or is in actual physical control of any vehicle or aircraft while under the influence of an alcoholic beverage or narcotic drug or a combination thereof or whose blood contains 0.10 percent or more by weight of alcohol or who operates said vehicle or aircraft in a reckless or wanton manner,~~ shall be punished as a court-martial may direct. Chemical and other tests for intoxication shall be made only in accordance with regulations issued under this code.

Sec. 41. Minnesota Statutes 1976, Section 192A.585, is amended to read:

192A.585 PERJURY. Any person subject to this code who ~~in a judicial proceeding or in a course of justice conducted under this code willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to under oath in the course of a judicial proceeding on the issue of matter of under inquiry is guilty of perjury and~~ shall be punished as a court-martial may direct.

Sec. 42. Minnesota Statutes 1976, Section 192A.595, Subdivision 1, is amended to read:

192A.595 LARCENY AND WRONGFUL APPROPRIATION. Subdivision 1. Any person subject to this code who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person ~~or from the state or United States~~ any money, personal property, or article of value of any kind:

(1) With intent permanently to deprive or defraud another person ~~or the state or United States~~ of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

(2) With intent temporarily to deprive or defraud another person ~~or the state or United States~~ of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, is guilty of wrongful appropriation.

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Sec. 43. Minnesota Statutes 1976, Section 192A.61, Subdivision 3, is amended to read:

Subd. 3. Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed in the ~~division of military and naval affairs~~, by or for the state military forces who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross examine witnesses, and to introduce evidence.

Sec. 44. Minnesota Statutes 1976, Section 192A.615, is amended to read:

192A.615 **AUTHORITY TO ADMINISTER OATHS.** Subdivision 1. The following members of the state military forces may administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

(1) The state judge advocate and all assistant state judge advocates;

(2) ~~All law specialists~~ Staff judge advocates and acting or assistant staff judge advocates;

(3) All summary courts-martial;

(4) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;

(5) ~~All commanding officers of the naval militia;~~

(6) ~~All legal officers;~~

(7) (5) The president, ~~law officer~~ military judge, trial counsel, and assistant trial counsel for all general and special courts-martial;

(8) (6) The president and the counsel for the court of any court of inquiry;

(9) (7) All officers designated to take a deposition;

(10) (8) All persons detailed to conduct an investigation; and

(11) (9) All other persons designated by regulations of the governor.

Subd. 2. Officers of the state military forces may not be authorized to administer oaths as provided in this section unless they are on ~~active~~ duty in or with those forces under orders of the governor as prescribed in this code.

Subd. 3. The signature without seal of any such person together with the title of his office, is prima facie evidence of his authority.

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Sec. 45. Minnesota Statutes 1976, Chapter 192A, is amended by adding a section to read:

[192A.384] OFFENSES SUBJECT TO COURT MARTIAL. The jurisdiction of courts-martial shall be limited to violations of the punitive articles in this code. Any person subject to this code who is charged with the commission of an offense which is not a military offense under this code may be surrendered to civil authorities for process in accordance with civil law.

Sec. 46. Minnesota Statutes 1976, Chapter 192A, is amended by adding a section to read:

[192A.611] STAFF JUDGE ADVOCATES. Subdivision 1. Convening authorities shall at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; and the staff judge advocate of any command is entitled to communicate directly with the staff judge advocate of a superior or subordinate command, or with the state judge advocate.

Subd. 2. No person who has acted as member, military judge, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense in any case may later act as staff judge advocate to any reviewing authority upon the same case.

Sec. 47. Minnesota Statutes 1976, Chapter 192A, is amended by adding a section to read:

[192A.612] SEARCH WARRANTS. During annual field training, a military judge, designated as the summary court officer during such duty, is authorized to issue search warrants, directed to a member of the military police of the state military forces, to search any person, place, or vehicle within the confines of the property or premises being used for such field training or any person or vehicle pursued therefrom. No search warrant shall be issued except upon probable cause, supported by affidavit or sworn testimony naming and describing the person and particularly describing the property or thing to be seized and particularly describing the place to be searched.

Sec. 48. Minnesota Statutes 1976, Sections 192A.01, Subdivision 2; 192A.04, Subdivisions 4 and 5; 192A.125; and 192A.565, are repealed.

Approved March 23, 1978.

CHAPTER 553-H.F.No.1665

An act relating to law libraries; amending Minnesota Statutes 1976, Sections 140.41, Subdivision 1; 140.42, Subdivision 1; and 140.43, Subdivision 1.

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

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