

contracts done, performed, made, and entered into after the expiration of ~~the~~ original period shall be ~~and each is hereby~~ declared to be legal and valid. *de*

~~Approved April 8, 1939.~~

CHAPTER 175—H. F. No. 1109

An act to amend, supplement and revise the laws of this state relating to the militia, the Minnesota National Guard, and the National Guard Armories, so as to conform the organization, discipline and training of the National Guard to the requirements of the Federal laws relating to the militia and to promote its efficiency and for other purposes, and to amend Mason's Minnesota Statutes of 1927, Sections 2399, 2405, 2408, 2412, 2413, 2417, 2418, 2425, 2450, 2454 and 2460.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Militia.**—Mason's Minnesota Statutes of 1927, Section 2399, is hereby amended so as to read as follows:

"2399. The militia shall consist of all able-bodied male citizens of the state and all other able-bodied males, resident therein, who have or shall have declared their intention to become citizens of the United States, *when so authorized by federal law*, who shall be 18 or more years of age, and, except as hereinafter provided, not more than 45 years of age, and said militia shall be divided into three classes, the national guard, the naval militia, and the unorganized militia.

The officers, judicial and executive, of the government of the United States and of the states; persons in the military or naval service of the United States; custom house clerks, persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots and mariners actually employed in the sea service of any citizen or merchant within the United States, shall all be exempt from militia duty without regard to age, and all persons who because of religious beliefs shall claim exemption from military service if the conscientious holding of such belief by such person shall be established under such regulations as the president of the United States shall prescribe, shall be exempt from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the

President of the United States shall declare to be noncombatant."

Sec. 2. Service for three years.—Mason's Minnesota Statutes of 1927, Section 2405, is hereby amended so as to read as follows:

"2405. The men whose names are so forwarded shall be mustered at once into the service of the state for such period as the governor shall direct, not exceeding three years. They shall be organized as prescribed for existing organizations of the national guard. Such new organizations shall be officered, equipped, trained, and commanded according to the laws governing the national guard, *provided however that the age limit for initial appointment as an officer shall not apply.*"

Sec. 3. Adjutant General—Appointment—Qualifications.—Mason's Minnesota Statutes of 1927, Section 2408, is hereby amended so as to read as follows:

"2408. There shall be an adjutant general of the state who shall be appointed by the Governor, who shall be a staff officer, who at time of appointment shall be a commissioned officer of the National Guard of this state, with not less than ten years' military service in the armed forces of this state or of the United States, at least three of which shall have been commissioned and who shall have reached the grade of a field officer. He shall hold office as provided in Section 110, Act of Congress approved June 4, 1920, as amended, and shall not be removed from office except as provided by the military laws of this state."

Sec. 4. National Guard reserved. — Mason's Minnesota Statutes of 1927, Section 2412, is hereby amended so as to read as follows:

"2412. *The Inactive National Guard shall be organized and maintained under such rules and regulations as may be prescribed in accordance with federal law.*"

Sec. 5. Officers and enlisted men.—Mason's Minnesota Statutes of 1927, Section 2413, is hereby amended so as to read as follows:

"2413. The number and grades of officers and enlisted men in the staff corps and departments shall be as prescribed by federal law, but in case of war, invasion, insurrection, riot or imminent danger of either, the governor may temporarily increase such force to meet such emergency *and retired of-*

fficers, who are physically qualified, may be assigned to such duty. All officers of staff corps and departments appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the national guard."

Sec. 6. Line and field officers.—Mason's Minnesota Statutes of 1927, Section 2417, is hereby amended so as to read as follows:

"2417. Line officers and field officers below the grade of colonel in the regiments and lesser separate organizations shall be selected and *recommended* by the commanders thereof respectively. Officers above the grade of lieutenant colonel shall be selected and appointed by the Governor upon the recommendation of the adjutant general."

Sec. 7. Examination. — Mason's Minnesota Statutes of 1927, Section 2418, is hereby amended so as to read as follows:

"2418. *Subdivision A.* Any person hereinafter appointed, *promoted* and commissioned an officer of the national guard shall successfully pass such tests as to his physical, moral and professional fitness as shall be prescribed by federal law. The examination to determine such qualifications for commissions shall be as prescribed by federal law. Officers shall be commissioned by the governor, and the commission shall designate the arm, staff corps or department *in which they are appointed.* *Officers will be assigned to regiments or lesser separate organizations by the adjutant general. They will be assigned to duty within the regiment or lesser organization by the immediate commander thereof.*

General and field officers of the national guard, who have, after ten years active service, resigned or retired for physical disability or otherwise, may in the discretion of the commander-in-chief, on the recommendation of the adjutant general, be commissioned by brevet, in the next higher grade than that held by them at the time of their resignation or retirement, but not however above the grade of major general. Said brevet rank shall be considered strictly honorary and shall confer no privilege of precedence or command, nor pay and emoluments. Brevet officers may however wear the uniform of their brevet grade on occasions of ceremony.

The commander-in-chief may assign officers on the retired list, with their consent, to active duty in recruiting, upon courts martial, courts of inquiry and boards, to staff duty not involving service with troops, or in charge of a military reservation left temporarily without officers. Such officers while so assigned shall receive the full pay and allowances of their grades at time of retirement.

Subdivision B. When congress shall have declared a national emergency or shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the regular army, and the President has ordered into the active military service of the United States, to serve therein for the period of the war or emergency, any or all units and members of the national guard of this state, all forces so ordered into the active military service of the United States shall from the date thereof stand relieved from duty in the national guard of this state so long as they shall remain in the active military service of the United States, when so provided by federal law. Upon being relieved from such duty in the military service of the United States, all such individuals and units shall revert to their National Guard status.

Sec. 8. State and Municipal officers and employees not to lose pay while engaged in drill.—Mason's Minnesota Statutes of 1927, Section 2425, is hereby amended so as to read as follows:

"2425. All officers and employees of the state or subdivision or municipality thereof who shall be members of the national guard or of the Officers Reserve Corps of the United States shall be entitled to a military leave of absence from their respective duties without loss of pay, status, vacation, or efficiency rating, on all days during which they shall be engaged in drills or parades during business hours ordered by proper authority or for field or coast-defense training or active service ordered or authorized under the provisions of state or federal law, or active duty ordered or authorized by state law; provided in the case of officers of the Officers Reserve Corps of the United States such leaves of absence shall not exceed 14 days in any calendar year."

Sec. 9. Camp ground and military reservations.—Mason's Minnesota Statutes of 1927, Section 2450, is hereby amended so as to read as follows:

"2450. The adjutant general shall have charge of the camp grounds and military reservations of the state and shall be re-

sponsible for the protection and safety thereof, and shall promulgate regulations for the maintenance of order thereon for the enforcement of traffic rules and for all other lawful regulations as may be ordered for the operation, care and preservation of existing facilities and installations on all state military reservations. He shall keep in repair all state buildings, and other improvements thereon, including water pipes laid by the state on highways leading thereto and of all military property connected with said grounds. He may make such further improvements thereon as the good of the service requires. Private property may be acquired by condemnation, upon the application of the adjutant general, for camp ground, rifle range and other military purposes. All damages, cost and expense incurred in condemning such property shall be paid by the state treasurer, upon certificates of the adjutant general and warrant of the State Auditor, from any unexpended balance of the military fund after meeting the demands of the National Guard.

Sec. 10. **Pay of officers.**—Mason's Minnesota Statutes of 1927, Section 2454, is hereby amended so as to read as follows:

"2454. Every commissioned officer of the national guard not salaried as such, shall receive from the state, while engaged in any service ordered by the governor, pay and allowance at the rate or allowed by law to officers of similar rank and length of service in the United States Army.

The necessary military expenses of *divisions*, brigades, regiments, separate battalions, companies, batteries or separate detachment, including clerk hire, office supplies, postage and other actual outlay, shall be paid by the adjutant general out of the national guard maintenance fund on vouchers duly sworn to by the commanding officer or the officer charged with the payment of such expenses, such expenses in no event to exceed \$500.00 a year for each brigade headquarters, \$2000.00 per year for each *division headquarters* and each regimental headquarters, \$500.00 for each battalion headquarters not a part of a regiment with headquarters within the state, and \$100.00 for incidental expenses of each company, battery or detachment. Provided, however, that all disbursements under this section shall be kept as prescribed by the commander in chief in orders or regulations and shall be examined annually by the public examiner.

Where the officers of the national guard are convened by the governor at an annual meeting of instruction, other than camp or active service, or where they are detailed under orders

from regimental headquarters for the purpose of holding a quarterly inspection outside of their own station, they shall be allowed for traveling and incidental expenses, the sum of three dollars per day, not to exceed two days, in addition to transportation."

Sec. 11. Pay and allowance of Adjutant General—Assistant Adjutant General—Employees.—Mason's Minnesota Statutes of 1927, Section 2460, is hereby amended so as to read as follows:

"2460. The adjutant general shall receive the pay and allowances of his grade as provided by the Act of Congress approved June 10, 1922. *He may appoint an assistant adjutant general, a state quartermaster, and such administrative and clerical assistants as may be authorized by law, all at salaries which shall be currently fixed by law.* In case of war, riot, insurrection or other emergency or when authorized by the Governor, such additional help as is necessary, may be temporarily employed, same to be paid from the amount appropriated for the maintenance of the National Guard."

Approved April 8, 1939.

CHAPTER 176—H. F. No. 1210

An act to authorize the board of county commissioners to levy taxes in excess of legal limitations for revenue purposes in certain counties.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Tax levy for revenue in certain counties.—Any county of this state containing not less than 22, nor more than 24, full or fractional congressional townships having a population of not less than 16,500, nor more than 18,000, inhabitants according to the last federal census, and having an assessed valuation of not less than \$7,000,000, nor more than \$9,000,000, exclusive of moneys and credits, the board of county commissioners may levy for general revenue purposes in excess of the legal limitation in said counties not more than one and one-half mills above said limitation for not more than two years following the passage of this act.

Approved April 8, 1939.