

amended in the manner provided in this act so as to include or omit any provision which could have been included in or omitted from the original articles, or may be amended so as to extend the duration of the association for a definite period or provide for perpetual existence.

Sec. 2. Subd. 2. Proposed by executive commission or board of managers. An amendment may be proposed to the members or stockholders of an association by its executive committee or board of managers, by majority vote, who may adopt a resolution setting forth the full text of the proposed amendment and the full text of each section containing any language to be modified by the proposed amendment, and designating the time and place of the meeting at which the members or stockholders shall consider and vote upon it.

Sec. 3. Subd. 3. Mail vote. At least ten days before the time so designated, there shall be mailed to each member or stockholder a notice containing both the text of the resolution so adopted and a form of ballot to be used by the member or stockholder in voting by mail upon the proposed amendment in case he will not be present at the said meeting.

Sec. 4. Subd. 4. Two-thirds of members voting. A proposed amendment shall be adopted only if it receives the affirmative vote of two-thirds of the members or stockholders voting upon it at such meeting, whether in person or by mail.

Sec. 5. Subd. 5. Certificate filed with register of deeds. After an amendment has been adopted, a certificate setting forth the amendment and the manner of its adoption shall be signed and acknowledged by the president and secretary and filed for record in the office of the register of deeds of the county in which the county farm bureau association is located, and thereupon the amendment shall be effective.

Sec. 6. Repealed. Minnesota Statutes 1945, Section 22.49, is hereby repealed.

Approved March 24, 1947.

CHAPTER 125—H. F. No. 434
[Section 9 Coded as Section 192.581]

An act relating to the military forces of the state, amending Minnesota Statutes 1945, Sections 190.05, Subdivision 2,

190.08, 192.01, 192.10, 192.18 Subdivision 1, 192.23, 192.49, 192.51, 193.13 Subdivision 1, 193.13 Subdivision 2, 193.14, 193.29 Subdivision 4, 193.35, 194.03, 194.04, 194.06, 194.07, 194.08, 194.13, 194.14; repealing Sections 192.50 Subdivision 1, 192.50 Subdivision 2, 192.53, 194.09 and 194.10.

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

Section 1. Minnesota Statutes 1945, Section 190.05, Subdivision 2, is amended to read as follows:

190.05. **Definitions.** Subd. 2. **"Company," "A division of naval militia," "Battalion," and "Brigade" defined.** The designation "company" includes a company of infantry, engineers, signal corps, a flight of the air service, a battery of field artillery, a troop of cavalry, a *division of naval militia*, or any similar organization in any branch of the military service authorized by federal law for this state, including a permanent detachment of the medical department attached to a line or staff organization, a field hospital, or a headquarters detachment. The designation "battalion" applies in like manner to a squadron of cavalry and air service; *the designation "brigade" applies also to a combat team, a group of antiaircraft battalions, an air group, and a group of field artillery battalions.*

Sec. 2. Minnesota Statutes 1945, Section 190.08, is amended to read as follows:

190.08. **Pay allowance of adjutant general and employees.** The adjutant general shall receive the pay and allowances of a brigadier general as *now or hereafter provided by law for an officer of similar rank and length of service in the Regular Army of the United States.* He may appoint an assistant adjutant general, a state quartermaster, and necessary administrative and clerical assistants. In case of war, riot, insurrection, or other emergency, or when authorized by the governor, he may employ such additional temporary assistants as are necessary, to be paid from the amounts appropriated for the maintenance of the military forces.

Sec. 3. Minnesota Statutes 1945, Section 192.01, is amended to read as follows:

192.01. **Minnesota national guard; who compose.** The Minnesota National Guard consists of the regularly enlisted militia within the ages prescribed by federal law and regulations, organized, armed, and equipped as hereinafter provided, and of commissioned officers and warrant officers within the ages and having the qualifications prescribed by federal law and regulations. "National guard" *applies only*

to militia organized as *provided for in the military code and authorized by federal law and regulations relating to the national guard*. The number of officers and enlisted men of the national guard shall be fixed from time to time and organized so as to meet the requirements of the federal laws.

Sec. 4. Minnesota Statutes 1945, Section 192.10, is amended to read as follows:

192.10. Examination for commissions; assignments of officers. Any person hereafter appointed, promoted, and commissioned as *an* officer of the national guard shall successfully pass such tests as to his physical, moral and professional fitness as *are* 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 *the division and to non-divisional* separate organizations by the adjutant general. They will be assigned to duty within *each* organization by the immediate commander thereof.

Sec. 5. Minnesota Statutes 1945, Section 192.18, Subdivision 1, is amended to read as follows:

192.18. Vacation of commissions. Subdivision 1. Termination of or continuance in service. Commissions of national guard officers shall be *terminated* as provided by federal law; provided, that in time of war or other declared emergency, brigade and regimental commanders who reach the retirement age of 64 years, may, in the discretion of the commander-in-chief, on the recommendation of the adjutant general, be continued in the active service of the state guard, in their then grade and assignment, for the duration of the war or emergency and for six months thereafter.

Sec. 6. Minnesota Statutes 1945, Section 192.23, is amended to read as follows:

192.23. Service medals. The commander-in-chief may, by general order, provide a suitable mark of distinction for all officers and enlisted men who have served in the *military forces* for an aggregate period of *five*, ten, fifteen, and twenty years, respectively, and for like service thereafter; and medals to be awarded for valor, for distinguished service, and for good conduct. He may authorize the issuance, under regulations to be prescribed by him, of suitable *marks of distinction* to be awarded to officers and enlisted men who have served in

the military forces of the state during periods of war or other declared emergencies, provided that *these* shall not be awarded for service for which service medals or bars are authorized by federal authority.

Sec. 7. Minnesota Statutes 1945, Section 192.49, is amended to read as follows:

192.49. Pay and allowance of officers and organizations. Subdivision 1. **Officers.** Every commissioned officer of the military forces not salaried as such shall receive from the state, while engaged in any service ordered by the governor, pay and allowances at the rate *now or hereafter* paid or allowed by law to officers of similar rank and length of service in the *Regular Army of the United States*.

Subd. 2. **Uniforms to be supplied.** The adjutant general may issue to *commissioned* officers from time to time any available articles of uniform and equipment suitable for field work, when he believe it expedient. Articles so issued shall be charged to the officer and shall be accounted for by him as provided in regulations.

Subd. 3. **Allowances for military expense.** *Allowances* for the necessary military expenses of all organizations, units, or detachments of the military forces, including clerk hire, office supplies, postage, and other actual outlay, shall be paid by the adjutant general out of the funds appropriated for the maintenance of the military forces, such *allowances* in no event to exceed \$500 a year for each brigade headquarters, \$2,000 per year for *the* division headquarters *when located in this state*; \$3,000 a year for *the* commanding general of troops, *when he is an officer of the Minnesota National Guard*; \$2,000 per year for each regimental headquarters or *the military equivalent thereof*; \$500 for each battalion headquarters not a part of a regiment with headquarters within the state; and \$200 for incidental expenses of each company, battery, or detachment; and at the time of the annual encampment or maneuvers, for each division or camp headquarters mess \$200; for each brigade headquarters mess \$100; for each regimental officers mess \$200, and for each separate battalion or squadron headquarters mess \$100. *Allowances authorized* under this section shall be *expended and accounted for* as prescribed by the commander-in-chief in orders or regulations.

Sec. 8. Minnesota Statutes 1945, Section 192.51, is amended to read as follows:

192.51. Camp pay for enlisted men. Subdivision 1. **Amount.** For each day's attendance at an encampment or

maneuver ordered by the governor or required by federal law, including the time necessarily consumed in travel, the enlisted men of the *military forces* shall be paid at the rate now or hereafter provided for enlisted men of similar grade, rating, and *length of service* in the regular army of the United States, and in addition thereto transportation, shelter, and subsistence, *but the minimum to be paid to any enlisted man is \$2.00 a day*. When any part of the pay or allowances above authorized is paid by the federal government, the state shall only pay to each man the difference between what he received from the *federal government* and the pay authorized by this section. Such payment *under this section shall only* be made to men present in uniform and on duty at least the *minimum period of the camp or maneuver provided by law for qualification for federal pay*.

Subd. 2. **Additional pay.** When called into active service by the governor, other than *for encampment or maneuvers, including the time necessarily consumed in travel*, each enlisted man of the *Military Forces* shall be paid by the state the pay and the allowances *when not furnished in kind*, provided by law for *enlisted men of similar grade, rating and length of service in the Regular Army of the United States*. *The minimum pay of any enlisted man while on such active service shall be \$5.00 a day*.

[192.581] Sec. 9. **Failure to return property on demand; penalty.** Legal fines or forfeitures and the value of any articles of uniform, arms or equipment, whether state or federal, issued to any officer or enlisted man which he fails to return on demand by proper authority and for the loss of or damage to which he has been held responsible by a report of survey or other proper proceeding, shall be deducted from such officer's or enlisted man's pay in the manner provided for in federal or state orders or regulations. Deduction from federal pay and allowances may only be made in the manner prescribed by federal law or regulation.

Sec. 10. Minnesota Statutes 1945, Section 193.13, Subdivision 1, is amended to read as follows:

193.13. **Corporation created; commission.** Subdivision 1. **Members and officers.** For the purpose of constructing armories as provided by section 193.12, there shall be created a corporation to be known as the "Minnesota State Armory Building Commission." *The members and governing body of this corporation shall be the adjutant general and not less than two officers of the line of the National Guard or Naval Militia of the state above the grade of lieutenant colonel, to be*

selected and appointed by the adjutant general. The adjutant general shall be chairman of such commission. *The* commission shall elect a secretary and treasurer from *its* members other than the adjutant general. The officers of *this* commission shall have like powers and duties as are vested in or imposed upon the corresponding officers of the commission referred to in section 193.02.

Sec. 11. Minnesota Statutes 1945, Section 193.13, Subdivision 2, is amended to read as follows:

193.13. **Corporation created; commission.** Subd. 2. **Certificate of adjutant general, filing.** Upon the filing with the secretary of state of a certificate by the adjutant general reciting the existence in any such municipality of the conditions specified in section 193.12, naming the persons authorized to compose such commission and corporation as provided in this section, and declaring them to be constituted a commission and corporation hereunder, such persons shall forthwith be such commission and corporation without further proceeding. In case of a vacancy in the membership of such commission and corporation, the remaining members, provided there be not less than two, shall have the power to act and to elect such temporary officers as may be necessary during the existence of the vacancy. In case at any time there shall not be at least two qualified officers of the National Guard or *Naval Militia* in addition to the adjutant general eligible to serve as members of such commission, as provided in subdivision 1, the adjutant general may appoint a member or members of such commission from the *lieutenant* colonels of the line of the National Guard or *Naval Militia* of the state so as to provide not more than two members of such commission in addition to himself. The membership of the members last so appointed shall automatically terminate upon the appointment and qualification of an officer of the National Guard or *Naval Militia* eligible to serve as a member of such commission as provided in subdivision 1, provided the total membership be not thereby reduced to less than three *including the adjutant general.* In case of a vacancy in the office of adjutant general, or in case of the incapacity of the adjutant general to act as a member and chairman of such commission, the officer who is appointed or authorized according to law to exercise the powers of the adjutant general for the time being, shall, during the existence of such vacancy or incapacity, act as a member and chairman of such commission and have all the powers and duties herein vested in or imposed upon the adjutant general as a member and chairman of such commission. The adjutant general shall

certify to the secretary of state all changes in the membership of the commission, but failure on his part so to do shall not affect the authority of any new member of the commission or the validity of any act of the commission after accession of a new member.

Sec. 12. Minnesota Statutes 1945, Section 193.14, is amended to read as follows:

193.14. Powers of corporation and municipalities; laws applicable; definitions; limitation on cost; indebtedness. For the purpose of constructing armories as provided in section 193.12, the corporation referred to in section 193.13 shall have like powers and privileges and be subject to like duties and obligations as are by this chapter vested in or imposed upon the corporation referred to in section 193.02. Every municipality in which an armory may be constructed as provided in section 193.12, and every governing body of and every other governmental agency in every such municipality, shall have like powers and privileges and be subject to like duties and obligations as are by this chapter vested in or imposed upon the respective cities, governing bodies, and other governmental agencies referred to in sections 193.01 to 193.11. All provisions of sections 193.01 to 193.11 relating to the construction of armories in cities referred to in section 193.01 and to all other matters connected therewith shall, so far as applicable, and not otherwise provided in sections 193.01 to 193.11, apply to the construction of armories in the municipalities referred to in section 193.12 and to all other matters connected therewith, and for such purposes the term "city" as used in sections 193.01 to 193.11, shall be construed to refer to the municipalities referred to in section 193.12 and the terms "commission" and "corporation", as used in sections 193.01 to 193.11, shall be construed to refer to the commission and corporation referred to in section 193.13; provided as follows:

(1) The total cost to the corporation, of each armory constructed as provided in section 193.12, including the site, building, and equipment, shall not exceed *\$150,000 for a single unit armory and \$75,000 for each additional unit of the National Guard or Naval Militia to be quartered therein, and the total amount of bonds issued on account of each such armory shall not exceed the amount of such cost. The total bonded indebtedness of the commission shall not at any time exceed the aggregate sum of \$4,500,000;*

(2) The adjutant general shall pay under the provisions of section 193.05 subdivision 4 on account of each armory

constructed as provided in section 193.12 *the sum of \$3,000 per year for each unit of the National Guard or Naval Militia quartered in such armory when only one such unit is so quartered; and the sum of \$2,000 per year for each additional unit when more than one unit is so quartered;*

(3) The corporation created under section 193.13 shall never be subject to an indebtedness on account of any armory constructed as provided by section 193.12 in excess of the cost of such armory as provided by this section, nor to a total indebtedness in excess of the aggregate cost of all armories so constructed;

(4) The treasurer of the corporation created under section 193.13 shall give a bond to the corporation in such sum and with such surety as the corporation may determine, conditioned in like manner as the bonds of treasurers of public bodies, to be approved and filed as the corporation may determine.

(5) The corporation created under section 193.13 may designate one or more state or national banks as depositories of its funds, and may provide, upon such conditions as the corporation may determine, that the treasurer of the corporation shall be exempt from personal liability for loss of funds deposited in any such depository due to the insolvency or other acts or omissions of such depository.

(6) The Minnesota State Armory Building Commission created under section 193.13 shall keep all moneys and credits received by it as a single fund, to be designated as the "Minnesota State Armory Building Commission Fund", with separate accounts for each armory; and the commission may make transfers of moneys from funds appertaining to any armory under its control for use for any other such armory; provided such transfers shall be made only from moneys on hand, from time to time, in excess of the amounts required to meet payments of interest or principal on bonds or other obligations appertaining to the armory to which such funds pertain and only when necessary to pay expenses of operation and maintenance of such other armory; provided further, no such transfer of any moneys paid for the support of any armory by the municipality in which such armory is situated shall be made by the commission.

Sec. 13. Minnesota Statutes 1945, Section 193.29, Subdivision 4, is amended to read as follows:

193.29. **Control of new armory.** Subd. 4. **Proceeds.** The proceeds of rentals and *all other income accruing to each*

armory constitutes the Armory Fund and shall be applied by the Armory Board of each armory, as the adjutant general shall direct, for the maintenance, extension, improvement, and equipment thereof; but all armory funds and all allowances from the state accruing to commission-owned armories shall be paid to the commission.

Sec. 14. Minnesota Statutes 1945, Section 193.35, is amended to read as follows:

193.35. State aid for maintenance. There shall be paid annually to the officer or armory board in charge of each armory, or to the Minnesota State Armory Building Commission in the case of commission-owned armories for the maintenance and equipping of the same the sum of \$250 for each company or other unit quartered therein; provided, the county, city, or village in which the armory is located appropriates at least an equal amount annually. *The amount contributed by the state for each armory, except commission-owned armories, may be paid at the discretion of the adjutant general, in money or in materials and services. All such contributions by the state or the municipality shall become a part of the armory fund and shall be expended and accounted for as provided in section 193.29, subdivision 4.*

Sec. 15. Minnesota Statutes 1945, Section 194.03, is amended to read as follows:

194.03. Not to exceed fourteen divisions or companies. The Naval Militia shall consist of not to exceed 14 divisions or companies and a squadron of air service, organized into such number of battalions as the tactical situation may require.

Sec. 16. Minnesota Statutes 1945, Section 194.04, is amended to read as follows:

194.04. Composition. The Naval Militia shall be composed of such officers, warrant officers, petty officers and enlisted men as the secretary of the navy shall prescribe for naval reserve forces allotted to the state.

Sec. 17. Minnesota Statutes 1945, Section 194.06, is amended to read as follows:

194.06. Line and staff officers, how appointed. Subdivision 1. Qualifications. *Officers of the Naval Militia shall be selected from the classes of persons having the qualifications prescribed by federal and state law and regulation.*

Subd. 2. Examination and tests. *Every person hereafter appointed, promoted, and commissioned as an officer of the Naval Militia shall have successfully passed tests as to his physical, moral, and professional fitness as shall be prescribed by federal law. The examination to determine such qualifications for commission shall be as prescribed by federal law.*

Subd. 3. Recommendation and appointment. *Line and staff officers, below the grade of captain, shall be selected and recommended by the Senior Naval Militia Commander and appointed and commissioned by the governor except that if such appointment is in the senior authorized grade the selection and recommendation shall be made by the adjutant general. Officers above the grade of commander shall be selected and recommended by the adjutant general and commissioned by the governor.*

Subd. 4. Commission by the governor. *Officers shall be commissioned by the governor and shall subscribe to the oath of office prescribed by federal and state law.*

Sec. 18. Minnesota Statutes 1945, Section 194.07, is amended to read as follows:

194.07. Petty officers. *Petty officers shall be appointed by the Senior Naval Militia Commander upon the recommendation of their commanding officer.*

Sec. 19. Minnesota Statutes 1945, Section 194.08, is amended to read as follows:

194.08. Term of service; enlistments. *Except as otherwise provided herein or by federal law, original enlistments in the Naval Militia shall be for a period of four years and subsequent enlistments for periods of one or four years. Every recruit shall sign an enlistment paper, the form of which shall be prescribed by the adjutant general in conformity with federal law, and shall contain an oath of allegiance to the state and the United States.*

Sec. 20. Minnesota Statutes 1945, Section 194.13, is amended to read as follows:

194.13. Pay and allowances. *For each day's service in uniform at the annual tour of duty or service, when ordered by the governor, there shall be paid to each officer, warrant officer, petty officer, enlisted man or seaman the same pay and allowances as prescribed by federal law for like grades in the United States Navy. The minimum pay provisions*

authorized by Section 192.51 Subdivision 1, for camps or maneuvers and Subdivision 2 for active service, other than for camps, cruises, or maneuvers shall apply to enlisted men of the Naval Militia. There shall be allowed annually to the headquarters of the commanding officer of the Naval Militia a sum not to exceed \$500 and to each division or company of the Naval Militia the same provision for necessary expenses as is now provided for comparable organizations of the Minnesota National Guard, said allowances to be paid under the same regulations as govern the payment of the like allowances to similar organizations of the Minnesota National Guard.

Sec. 21. Minnesota Statutes 1945, Section 194.14, is amended to read as follows:

194.14. Purchase of supplies. Clothing, ordnance, and other stores for the Naval Militia shall be purchased or procured and accounted for in the manner prescribed by the military code for the purchase or procurement of supplies and equipment for the National Guard.

Sec. 22. **Repeals.** Minnesota Statutes 1945, Section 192.50, Subdivisions 1 and 2, and Sections 192.53, 194.09, and 194.10 are repealed.

Approved March 24, 1947.

CHAPTER 126—H. F. No. 529

[Coded as Section 137.12]

An act relating to the University of Minnesota, and to the appointment and powers of investigators of matters relating to personnel and property of the University of Minnesota.

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

[137.12] Section 1. **Investigators; appointment; power of arrest.** The Regents of the University of Minnesota is hereby authorized to appoint, employ and fix the compensation to be paid out of funds of the Regents of the University of Minnesota, two persons as investigators who shall have and may exercise throughout the State of Minnesota the same powers of arrest possessed by a sheriff, police officer, or peace officer, but said powers of arrest shall only be exercised in