

town clerk, and in villages having but one district and not included in any town, the village clerk, shall serve as one of the clerks in the district where he resides. No more than two judges and one clerk shall belong to the same political party, and no person shall be eligible as judge or clerk unless he can read, write, and speak the English language understandingly, nor if he be a candidate for any office. No two judges or clerks in any one district shall bear the relationship to each other of husband and wife, parent or child, brother or sister.

Approved February 15, 1955.

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CHAPTER 18—S. F. No. 159

[Coded in Part]

*An act relating to armories; providing sites therefor; amending Minnesota Statutes 1953, Sections 193.141, 193.143, and legalizing certain acts.*

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

Section 1. [193.139] **Definitions.** Subdivision 1. For the purposes of sections 193.141 to 193.149, the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Municipality" includes city, village, and borough.

Subd. 3. "Corporation" means the Minnesota State Armory Building Commission created as a corporation by section 193.142, subdivision 1.

Sec. 2. Minnesota Statutes 1953, Section 193.141, is amended to read:

193.141 **Armory, construction.** Subdivision 1. In any municipality of this state in which there shall at the time be stationed one or more units of the National Guard or Naval Militia, and in which the adjutant general shall deem it necessary or expedient to construct an armory, an armory may be constructed and the cost thereof paid as hereinafter provided.

Subd. 2. Whenever the adjutant general shall deem it necessary or expedient that an armory be constructed upon a State military camping ground, to be used principally by any unit or units of the National Guard stationed at a municipality in the vicinity thereof, such armory may be constructed and the cost thereof paid in the manner hereinafter provided for the construction of armories in municipalities, and the annual

payments thereafter to be made by the State for the maintenance and equipment of such armory, as authorized by section 193.35 shall be payable to the Minnesota State Armory Building Commission without the necessity of like appropriations by such municipality or any other party, so long as any bonds issued for the construction of such armory shall be outstanding.

Sec. 3. Minnesota Statutes 1953, Section 193.143, is amended to read.

**193.143 State Armory Building Commission, powers.** Such corporation, subject to the conditions and limitations prescribed in sections 193.141 to 193.149, shall possess all the powers of a body corporate necessary and convenient to accomplish the objectives and perform the duties prescribed by this act, including the following, which shall not be construed as a limitation upon the general powers hereby conferred:

(1) To acquire by lease, purchase, gift or condemnation proceedings all necessary right, title and interest in and to the lands required for a site for a new armory and all other real or personal property required for the purposes contemplated by the military code and to hold and dispose of the same, subject to the conditions and limitations herein prescribed; provided that any such real or personal property or interest therein may be so acquired or accepted subject to any condition which may be imposed thereon by the grantor or donor and agreed to by such corporation not inconsistent with the proper use of such property by the State for armory or military purposes as herein provided.

(2) To exercise the right of eminent domain in the manner provided by Minnesota Statutes 1953, Chapter 117, for the purpose of acquiring any property which such corporation is herein authorized to acquire by condemnation; provided, that the corporation may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings; provided further, that this shall not preclude the corporation from abandoning the condemnation of any such property in any case where possession thereof has not been taken.

(3) To construct and equip new armories as authorized herein; to pay therefor out of the funds obtained as hereinafter provided and to hold, manage, and dispose of such armory, equipment, and site as hereinafter provided. The total cost to the corporation of each armory constructed, as provided in section 193.141, 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 such armories shall not exceed the amount of the cost thereof; provided also, that the total bonded indebtedness of the commission shall not at any time exceed the aggregate sum of \$4,500,000.

(4) To sue and be sued.

(5) To contract and be contracted with in any matter connected with any purpose or activity within the powers of such corporations as herein specified; provided, that no officer or member of such corporation shall be personally interested, directly or indirectly, in any contract in which such corporation is interested.

(6) To employ any and all professional and non-professional services and all agents, employees, workmen and servants necessary and proper for the purposes and activities of such corporation as authorized or contemplated herein and to pay for the same out of any portion of the income of the corporation available for such purposes or activities. The officers and members of such corporation shall not receive any compensation therefrom, but may receive their reasonable and necessary expenses incurred in connection with the performance of their duties; provided however, that whenever the duties of any member of the commission require his full time and attention the commission may compensate him therefor at such rates as it may determine.

(7) To borrow money and issue bonds for the purposes and in the manner and within the limitations herein specified, and to pledge any and all property and income of such corporation acquired or received as herein provided to secure the payment of such bonds, subject to the provisions and limitations herein prescribed, and to redeem any such bonds if so provided therein or in the mortgage or trust deed accompanying the same.

(8) To use for the following purposes any available moneys received by such corporation from any source as herein provided in excess of those required for the payment of the cost of such armory and for the payment of any bonds issued by the corporation and interest thereon according to the terms of such bonds or of any mortgage or trust deed accompanying the same:

(a) To pay the necessary incidental expenses of carrying on the business and activities of the corporation as herein authorized;

(b) To pay the cost of operating, maintaining, repairing, and improving such new armories;

(c) If any further excess moneys remain, to purchase upon the open market at or above or below the face or par value thereof any bonds issued by the corporation as herein authorized; provided, that any bonds so purchased shall thereupon be cancelled.

(9) To adopt and use a corporate seal.

(10) To adopt all needful by-laws, rules, and regulations for the conduct of business and affairs of such corporation and for the management and use of all armories while under the ownership and control of such corporation as herein provided, not inconsistent with the use of such armory for armory or military purposes.

(11) Such corporation shall issue no stock.

(12) No officer or member of such corporation shall have any personal share or interest in any funds or property of the corporation or be subject to any personal liability by reason of any liability of the corporation.

(13) The Minnesota State Armory Building Commission created under section 193.142 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.

(14) The corporation created under 193.142 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.

(15) The governor is empowered to apply for grants of money, equipment and materials which may be made avail-

able to the States by the Federal Government for leasing, building and equipping armories for the use of the military forces of the State which are reserve components of the armed forces of the United States, whenever he is satisfied that the conditions under which such grants are offered by the Federal Government, are for the best interests of the State and are not inconsistent with the laws of the State relating to armories, and to accept such grants in the name of the State. The Minnesota State Armory Building Commission is designated as the agency of the State to receive such grants and to use them for armory purposes as prescribed in Minnesota Statutes 1953, Chapter 193, and by federal laws, and regulations not inconsistent therewith.

Sec. 4. 193.144 **Armory, site; unused site, disposal.**  
*Subdivision 1. Any municipality desiring to construct a new armory may provide a site therefor as hereinafter provided.*

*Subd. 2. If such municipality shall desire to have a new armory constructed, such municipality may secure by purchase, gift, or condemnation, and may convey to such corporation, a site for such new armory approved as suitable therefor by the adjutant general. In case such site or any part thereof or interest therein is owned or controlled by the board of park commissioners of such municipality or by any other governmental agency therein except the state or city, such board or other agency may convey the same by way of gift or sale to such corporation without charge.*

*Subd. 3. In case any person or corporation except such city or board of park commissioners or other governmental agency hereinbefore referred to shall own any lands required for such site, whether provided under subdivision 2 or under this section, or any interest in any such lands which would interfere with the use thereof by the state for armory or military purposes, such city or such board of park commissioners or other governmental agency may acquire such lands or interest by purchase, gift, or condemnation and may convey the same by way of gift or sale to such corporation; provided, that notwithstanding any such outstanding ownership or interest, such corporation may, in its discretion, with the approval of the adjutant general, accept a conveyance of such lands and interests in lands for such site as may be owned or controlled by such municipality, board of park commissioners, or other governmental agency, and may acquire by purchase, gift, or condemnation any further lands or interests in lands that may be required for such site.*

*Subd. 4. The governing body of such municipality and such board of park commissioners and any other governmental agency concerned shall have power to exercise the right of eminent domain in the manner provided by Minnesota Statutes 1953, Chapter 117, for the purpose of acquiring any lands or interests in lands authorized to be acquired as aforesaid.*

*Subd. 5. In the event that the State of Minnesota shall own any lands or interest in lands included in the site of such existing armory and required for site of such new armory, such lands or interest therein shall be leased by the state to such corporation for a period of not exceeding 40 years without any consideration other than the use of such property by the state for armory or military purposes as herein provided and the provision hereof for the conveyance to the state of the new armory building and the site thereof. The adjutant general shall have power to execute such lease to such corporation in the name of the state; provided, that such corporation shall have no power to mortgage or encumber any lands or interest so leased to it by the state except to the extent of such leasehold interest and subject to the conditions and limitations herein prescribed.*

*Sub. 6. In case any land acquired for armory site purposes hereunder has been donated to such corporation by such municipality or by other governmental agency except the state, and in case such land or any part thereof shall thereafter not be used or shall cease to be used for armory purposes for a continuous period of more than ten years, not including the period of any war or other emergency in which the armed forces of the state may be engaged, the title to such unused land or part thereof shall thereupon pass, revert and be vested in such city or other governmental agency which donated the same, subject to any encumbrances that may have been lawfully placed thereon by such corporation or otherwise.*

*Sec. 5. Validation. The acts of any municipality which has heretofore acquired by purchase or otherwise a site for a new armory without express authority of law, are hereby legalized and validated.*

Approved, February 15, 1955.

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CHAPTER 19—S. F. No. 288

*An act relating to the sale or offer for sale of securities, amending Minnesota Statutes 1953, Sections 80.01, 80.07, 80.12, 80.13 and 80.18.*