

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

Section 1. **[89.21] State forests; campgrounds, establishment and fees.** The commissioner is authorized to establish and develop state forest campgrounds and may establish minimum standards not inconsistent with the laws of the state for the care and use of such campgrounds and charge fees for such uses as specified by the commissioner of conservation.

All fees shall be deposited in the state treasury and appropriated to the division of forestry in the department of conservation to defray costs of maintenance, operation and development of state forest campgrounds.

Approved May 13, 1963.

CHAPTER 658—S. F. No. 380

[Coded in Part]

An act relating to the military code; providing changes therein; amending Minnesota Statutes 1961; Sections 190.05; 190.08; 190.09; 190.13; 192.06; 192.13; 192.18; 192.20; 192.205, Subdivisions 1 and 2; 192.22; 192.261, Subdivision 1, and adding Subdivisions thereto; 192.41; 192.435, Subdivision 1; 192.49, Subdivisions 1 and 3; 192.51, Subdivision 1; and repealing Minnesota Statutes 1961, Sections 192.07; 192.26, Subdivision 2; and 192.265.

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

Section 1. Minnesota Statutes 1961, Section 190.05, is amended to read:

190.05 **Military code; definitions.** *Subdivision 1. For the purposes of the military code, the terms defined in this section have the meanings given them in this section unless the context clearly indicates otherwise.*

Subd. 2. The "department of military affairs" or "military department" is comprised of and includes the military forces of the state, the office of the adjutant general, all military reservations, military installations, armories, air bases, and facilities owned or controlled by the state for military purposes, and civilians employed by the state for the administration of the military department.

~~Subdivision 4.~~ *Subd. 3. The term "military forces" includes the national guard, the state guard, the naval militia, and any other*

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organizations or components of the organized militia as may be authorized by state or federal law.

Subd. 4. The term "national guard" includes the army national guard and the air national guard.

Subd. 2. 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.

Subd. 3. 5. "Active service" shall be understood and construed to be service on behalf of the state, in case of public disaster, war, riot, tumult, breach of the peace, resistance of process, or whenever the same is threatened, whenever called upon in aid of civil authorities, at encampments whether ordered by state or federal authority or upon any other duty requiring the entire time of the organization or person. "On duty" shall include periods of drill and such other training and service as may be required under state or federal law, regulations or orders.

Subd. 4. The terms, "in the service of the United States" and "not in the service of the United States," used herein shall be understood to mean and be the same as such terms are used in the national defense act of congress approved June third, nineteen hundred sixteen, and amendments thereto.

Subd. 6. The term "enlisted man" includes enlisted men of the army national guard, airmen of the air national guard, and enlisted women of either service or both.

Subd. 7. Unless otherwise stated, all terms, organizational designations, and titles contained in the military code have the same meaning as like terms, organizational designations, and titles in federal law and regulations.

Sec. 2. Minnesota Statutes 1961, Section 190.08, is amended to read:

190.08 Military staff; active duty orders; pay and allowances.
Subdivision 1. The adjutant general, with the approval of the governor, may appoint from among the field officers and general

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officers of the national guard an assistant adjutant general for army national guard and an assistant adjutant general for air national guard who, if otherwise qualified, may be appointed to general officer grade. The assistant adjutant general who is senior in rank also shall serve, in addition to his other duties, as deputy adjutant general.

Subd. 2. The adjutant general also may appoint from among the officers of the national guard a state quartermaster, a commander for each state owned military reservation or military installation, and such other officers as may be required for the state staff.

Subd. 3. The adjutant general may order to active service, with their consent, such officers, warrant officers, and enlisted men of the military forces of the state as are required for the full time administration of the military department. Such persons, after one year of active service, shall not be removed from office except for cause or reduction in force as long as they remain active members of the military forces of the state.

Subd. 4. In case of war, riot, insurrection, or other emergency, when authorized by the governor, the adjutant general may order to temporary active service such additional officers, warrant officers, and enlisted men, including retired personnel, as may be necessary. Such personnel shall not acquire any of the rights to office provided by subdivision 3 while performing such temporary active service and when their services are no longer required shall be relieved from such active service.

Subd. 5. In addition to the officers, warrant officers, and enlisted men ordered to active service the adjutant general may employ such civilian administrative, clerical, maintenance, and caretaker personnel as are necessary for administration of the military department.

Subd. 6. 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 armed forces 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. All other officers, warrant officers, and enlisted men in active service on the staff of the adjutant general shall receive the pay and allowances prescribed for personnel of similar grade and length of service in the armed forces of the United States subject to the following provisions: (1) The adjutant general

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by general orders may limit for pay purposes the grade authorized for any staff, and (2) Enlisted men may be paid the additional pay authorized by Minnesota Statutes, Section 192.51, Subdivision 2.

Sec. 3. Minnesota Statutes 1961, Section 190.09, is amended to read:

190.09 Powers, duties. The adjutant general shall be the chief of staff to the commander-in-chief and the administrative head of the military department. He shall have an office in the capitol and keep it open during the usual business hours.

He shall have custody of all military records, correspondence, and other military documents. He shall be the medium of military correspondence with the governor and perform all other duties pertaining to his office prescribed by law. He shall make an annual report to the governor, at such time as the governor may require, of all the transactions of his department, setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall make and transmit to the federal government the returns required by the laws of the United States ~~and submit to the governor a duly certified copy thereof.~~ He shall, whenever necessary, cause the military code, orders and regulations of the state to be printed and distributed to the commissioned officers and the several organizations of the national guard. He shall cause to be prepared and issued all necessary books, blanks and notices required to carry into full effect the provisions of the Military Code. All such books and blanks shall be and remain the property of the state.

The seal now used in the office of the adjutant general shall be the seal of his office and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal. The adjutant general shall attest all commissions issued to military officers. He will superintend the preparation of all returns and reports required by the United States from the state on military matters.

In the absence or inability to perform his duties as adjutant general, the next senior ~~officer in the adjutant general's department, or in his absence assistant adjutant general present for duty shall perform the duties prescribed for the adjutant general.~~ In the absence of all of the above, the senior officer of the national guard, shall perform the duties prescribed for the adjutant general.

In addition to all other duties imposed upon the adjutant general by law or by the lawful directions of the governor, he shall act as the agent of all residents of the state having claims against

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the United States for pensions, bounty, or back pay, arising out of or by reason of any war or federal service and prosecute such claims without charge, and shall make and preserve, by counties, as a part of the war records collection, a permanent registry of the graves of all persons who shall have served in the military or naval forces of the United States and whose mortal remains may rest in Minnesota:

The flags and colors carried by Minnesota troops in the Civil War, Indian Wars, Spanish-American War, Mexican Border Campaign, the first World War, and subsequent wars shall be preserved in the capitol under the especial care of the adjutant general. They shall be suitably encased and marked, and, so far as the adjutant general may deem it consistent with their safety, shall at all times be publicly displayed.

Sec. 4. Minnesota Statutes 1961, Session 190.13, is amended to read:

190.13 Records of veteran's war service. The adjutant general shall keep compiled, from the original muster rolls in his office, and such additional sources as he can command, a complete alphabetical list of the Minnesota volunteers in the Civil War and shall compile and maintain individual records of every Minnesota resident who served or participated in the Civil War, Spanish-American War, Philippine War, Mexican Border service, Indian Wars, and the first World War, and subsequent wars, and shall include therein the military history of each man, as may be obtainable. Thereafter, the records shall be placed in suitable metal boxes for safe keeping, and the compilation so made shall be used in their place for all practical purposes. *He shall compile and maintain individual records of all members of the Minnesota national guard who served in the second World War and subsequent wars and conflicts and include therein the military history of each man as it may be obtainable.*

Sec. 5. Minnesota Statutes 1961, Section 192.06, is amended to read:

192.06 Officers and enlisted men of state staff and detachment; number and grades. The number and grades of officers and enlisted men in the state staff and detachment shall be as prescribed by federal laws, 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 officers who are physically qualified may be assigned to such duty. All officers appointed to the state staff *and detachment* shall have had previous military experience *service* and shall hold their positions until they shall have reached the age of 64 years; unless retired prior to that

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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; *be selected and appointed by the adjutant general and commissioned by the governor. The enlisted men shall be recruited and administered by the detachment commander.*

Sec. 6. Minnesota Statutes 1961, Section 192.13, is amended to read:

192.13 **Supplies, how issued; bond.** Arms, accoutrements, ammunition and stores shall be issued to the proper officers of each organization, upon requisition as prescribed by federal law. The governor may require of the accountable officers, such bonds as he deems necessary, not to exceed \$5,000, for securing the care and safety of property so issued and shall allow them sufficient money to insure such property against fire when so required by the federal government. He may also allow them sufficient money to establish and maintain regimental depots, approved by him and to pay for the transportation, handling and care of such property which allowance shall be paid out of the moneys appropriated for the purchase of supplies for the guard. The adjutant general, with the approval of the governor, ~~shall~~ *may* obtain and pay for, out of the annual military appropriation, an adequate indemnity bond covering ~~all~~ of the officers of the National Guard responsible for moneys and military property.

Sec. 7. Minnesota Statutes 1961, Section 192.18, is amended to read:

192.18 **Retirement.** Subdivision 1. ~~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.~~

Subd. 2: Whenever the federal recognition of an officer or warrant officer of the national guard is withdrawn, his commission in the Minnesota national guard may be terminated, except that any commissioned officer or warrant officer of the national guard who resigns or is retired and who has served or shall have served as such officer in the Minnesota national guard for a period of not less than ten 20 years and any commissioned officer or warrant officer of the national guard who has been honorably discharged from the army of the United States after serving therein for a period of 90

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days or more during any war and who shall have served as such officer of the national guard for a period of not less than five years and any commissioned officer of the national guard who has become or who shall hereafter become *becomes* disabled in line of duty while in the service of the state or of the United States and is thereby made incapable of performing the his military duties of his office; shall, upon his retirement may, if he applies therefor, be placed in a retired status and have his name placed on a roll in the office of the adjutant general to be known as the "roll of retired officers;" and shall thereby be entitled to wear when not in conflict with federal law, on state or other occasions of ceremony, the uniform of the rank last held by him:

Subd. 2. Any enlisted man who completes not less than 20 years of service in the national guard and is honorably discharged and any enlisted man of the Minnesota national guard who becomes disabled in the line of duty while in the service of the state or of the United States and is thereby made incapable of performing his military duties may, if he applies therefor, be placed in retired status and have his name placed in a roll in the office of the adjutant general to be known as the "roll of retired enlisted men."

Subd. 3. An officer, warrant officer, or enlisted man in retired status shall be entitled to wear, when not in conflict with federal law, on state and other occasions of ceremony, the uniform of the rank last held by him.

Sec. 8. Minnesota Statutes 1961, Section 192.20, is amended to read:

192.20 **Brevet rank.** 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 above the grade of major general.~~ Brevet rank shall be considered strictly honorary and shall confer no privilege of precedence or command, nor pay any emoluments. Brevet officers may wear the uniform of their brevet grade on occasions of ceremony.

Sec. 9. Minnesota Statutes 1961, Section 192.205, Subdivision 1, is amended to read:

192.205 **Enlistments.** Subdivision 1. **Period of enlistments.** Except as otherwise provided herein or by federal law or regulation for the national guard, original enlistments in the military forces shall be for a period of three years and subsequent en-

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listments for periods of one or three years. The governor may by order fix shorter period of enlistment or reenlistment for any of the military forces so far as not inconsistent with federal law. In the event of an emergency wherein the governor has called out any of the military forces, he may by order extend for not exceeding the duration of the emergency and 60 days thereafter the period of any enlistment in the forces called out which would otherwise expire.

Sec. 10. Minnesota Statutes 1961, Section 192.205, Subdivision 2, is amended to read:

Subd. 2. **Form of enlistment contract.** *Except as otherwise provided by federal law or regulation for the national guard, every person enlisting in the military forces shall sign an enlistment contract in the form prescribed by the adjutant general, and shall subscribe to the following oath or affirmation: "I hereby acknowledge to have voluntarily enlisted this day of 19. . . . , as a soldier in the for the period of three (or one) year. . . . under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear I will bear true faith and allegiance to the United States of America and the state of Minnesota; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and of the governor of the state of Minnesota and the officers appointed over me, according to law and the rules and articles of war the uniform code of military justice";* provided, that the words "the President of the United States and of" shall be omitted in the case of persons enlisting in forces not subject to federal service.

Sec. 11. Minnesota Statutes 1961, Section 192.22, is amended to read:

192.22 **Dishonorable discharges.** A dishonorable discharge from service in the national guard shall operate as a complete expulsion from the guard, a forfeiture of all exemptions and privileges acquired through membership therein and disqualification for any military office under the state. The names of all persons dishonorably discharged shall be published in orders by the adjutant general ~~quarterly~~.

Sec. 12. Minnesota Statutes 1961, Section 192.261, Subdivision 1, is amended to read:

192.261 **Leave of absence.** Subdivision 1. **Leave of absence without pay.** Subject to the conditions hereinafter prescribed, any officer or employee of the state or of any political sub-

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division, municipal corporation, or other public agency of the state who engages in active service in time of war or other emergency declared by proper authority in any of the military or naval forces of the state or of the United States for which leave is not otherwise allowed by law shall be entitled to leave of absence from his public office or employment without pay during such service, with right of reinstatement as hereinafter provided. *Such leave of absence without pay, whether heretofore or hereafter, shall not extend beyond four years plus such additional time in each case as such an officer or employee may be required to serve pursuant to law.* This shall not be construed to preclude the allowance of leave with pay for such service to any person entitled thereto under section 192.26. *Nothing in this section contained shall affect any of the provisions or application of section 352.27 nor of section 192.26 to 192.264, or any laws amendatory thereof, insofar as such sections pertain to the state employees retirement association or its members.*

Sec. 13. Minnesota Statutes 1961, Section 192.261, is amended by adding a subdivision to read:

Subd. 5. Active duty for training, inactive duty training; reemployment rights. (a) *Any such public officer or employee who is a member of the military forces who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within 31 days after (1) his release from that active duty for training after satisfactory service, or (2) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by Minnesota Statutes 1961, Section 192.261, and acts amendatory thereof, except that any person restored to a position in accordance with the provisions of this clause shall not be discharged from such position without cause within six months after that restoration.*

(b) *Any such public officer or employee not covered by Minnesota Statutes, Section 192.26, or by clause (a) of this subdivision shall, upon request, be granted a leave of absence by his employer for the period required to perform active duty for training or inactive duty training in the military forces. Upon his release from a period of such active duty for training or inactive duty training, or upon his discharge from hospitalization incident to that training, such employee shall be permitted to return to his position with such seniority, status, rate of pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary*

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to travel from the place of training to the place of employment following his release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If that employee is hospitalized incident to active duty for training or inactive duty training, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this clause is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c) *Any employee not covered by clause (a) shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination his physical fitness to enter the military forces. Upon his rejection, upon completion of his preinduction or other examination, or upon his discharge from hospitalization incident to that rejection or examination, such employee shall be permitted to return to his position in accordance with the provisions of clause (b).*

Sec. 14. Minnesota Statutes 1961, Section 192.261, is amended by adding a subdivision to read:

Subd. 6. State emergencies; reemployment rights of non-public employees. *A person who engages in active service in the military forces in time of emergency declared by the proper authority of the state who is not an officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state is entitled to leave and reinstatement in the same manner and to the same extent as granted to officers and employees of the state or of any political subdivision, municipal corporation, or other public agency of the state by subdivisions 1 to 4. The provisions of this subdivision shall not entitle a person*

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given leave and reinstatement rights by this subdivision to any pay during such service as provided by Minnesota Statutes, Section 192.26. The provisions of this subdivision do not apply to situations in which the person's reemployment rights are protected by section 9 of the universal military training and service act.

Sec. 15. Minnesota Statutes 1961, Section 192.41, is amended to read:

192.41 State quartermaster and property officer. The ~~senior officer of the quartermaster corps~~ *may be the state quartermaster and shall be the property officer of the state and as such shall have charge of and be accountable for, under the adjutant general, all the state military property and shall make such property returns and reports on the same as the governor may direct. He shall be under bond to the state to such amount as the governor may deem necessary.*

Sec. 16. Minnesota Statutes 1961, Section 192.435, Subdivision 1, is amended to read:

192.435 Uniform retained, when. Subdivision 1. **Au-**~~thorization to adjutant general.~~ *The adjutant general is authorized to permit members of the state guard and its auxiliaries who have served a term of enlistment of two years or more, and at the conclusion of the present war such service, to retain the articles of the uniform normally issued to such personnel. Such articles of the uniform shall not include field equipment, arms, or ammunition. The adjutant general at his discretion may sell to personnel of the state guard at cost price, less fair wear and tear, such arms and ammunition as is not required for other purposes.*

Sec. 17. Minnesota Statutes 1961, Section 192.49, Subdivision 1, is amended to read:

192.49 Pay and allowances 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.*

Sec. 18. Minnesota Statutes 1961, Section 192.49, Subdivision 3, is amended to read.

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 sup-

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plies, 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, annually not to exceed for the state headquarters and for the division headquarters when located in this state \$2,000 per year for the division headquarters when located in this state each; \$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 states; for any other organization commanded by a general officer \$1,000 plus \$100 for each immediately and directly subordinate organization or unit; for any brigade, group, battalion, squadron, or equivalent organization \$200 plus \$100 for each immediately and directly subordinate organization or unit; and \$200~~ \$300 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~~ *officers' mess of a regiment, group, or higher headquarters \$200; for each regimental officers mess \$200; and for the officers' mess of each separate battalion or squadron equivalent 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. 19. Minnesota Statutes 1961, Section 192.51, Subdivision 1, is amended to read:

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, as provided in federal law and regulations for the national guard,~~ and in addition thereto transportation, shelter, and subsistence, but the minimum to be paid to any enlisted man is \$2 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.

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Sec. 20. *Minnesota Statutes 1961, Sections 192.07; 192.26, Subdivision 2; and 192.265, are repealed.*

Approved May 13, 1963.

CHAPTER 659—S. F. No. 532

[Coded]

An act relating to the public employees retirement association; amending Minnesota Statutes 1961, Section 353.68, by adding a new subdivision thereto.

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

Section 1. Minnesota Statutes 1961, Section 353.68, is amended by adding a new subdivision to read:

Subd. 6. **Public employees retirement association; alternatives of annuities and survivor benefits.** *Any person described in section 353.64 who was a member of the association on June 30, 1957, and who then had ten or more years of allowable service and who thereafter becomes a member of the police and fire fund, whether his membership in either fund is continuous or not shall, if he qualifies therefor while a member and under the respective laws hereinafter mentioned, have the option when he retires to elect benefits or annuities based on his public service to be computed under (1) Minnesota Statutes 1953, Chapter 353, as amended by Laws 1955, Chapter 815, or (2) Minnesota Statutes 1961, Section 353.66, and all laws amendatory thereof, and if he elects the option under (1) hereof, the survivor benefits provided in Laws 1955, Chapter 815, Section 10, shall apply exclusively. Any annuitant who became such after April 20, 1961, and who first files with the association prior to December 31, 1963, his application therefor, shall be entitled to a recomputation of his annuity in accordance with option (1) hereof, if applicable, and to receive the unpaid amount thereof for such period retroactively to April 20, 1961, or to date of termination of his public service, whichever is later, and to the increased annuity thereafter. The provisions of section 353.46 shall apply to members of the public employees police and fire fund except as otherwise provided in this subdivision.*

Approved May 13, 1963.

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